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RULE PROPOSAL
HEALTH AND SENIOR SERVICE
EMERGENCY MEDICAL SERVICES
EMERGENCY MEDICAL TECHNICIAN-BASICS: TRAINING AND
CERTIFICATION

Proposed New Rules: N.J.A.C. 8:40A

Authorized By: Clifton R. Lacy, M.D., Commissioner, Department of Health and Senior Services.

Authority: N.J.S.A. 26:2K-39 through 47 and 26:2K-54 through 62.

Calendar Reference: See Summary below for explanation of exception to rulemaking calendar requirement.

Proposal Number: PRN 2003-143.

Submit comments by July 18, 2003 to:

Karen Halupke

Acting Director

Office of Emergency Medical Services

PO Box 360

Trenton, NJ 08625-0360

The agency proposal follows:

Summary

The Department of Health and Senior Services is proposing the adoption of a new chapter, N.J.A.C. 8:40A, Emergency Medical Technician-Basics: Training and Certification, to replace the expired N.J.A.C. 8:40A, Emergency Medical Technician Training. The proposed new rules seek to expand upon the recently expired standards for the training, testing and certification of Emergency Medical Technician-Basics, and to incorporate the rules for Emergency Medical Technician-Defibrillations currently found at N.J.A.C. 8:41A. As the regulated community is aware, the Department no longer issues Emergency Medical Technician-Defibrillations certifications; rather, such training is now required as part of the certification process for Emergency Medical Technician-Basics.

Since the rules at N.J.A.C. 8:41A, EMT/First Responder-D Cardiac Defibrillation, are proposed for repeal elsewhere in this issue of the New Jersey Register, in their entirety, all relevant portions of those rules have

been incorporated into the new rules proposed at N.J.A.C. 8:40 (specifically at N.J.A.C. 8:40-3.11 and 6.15(a)) and N.J.A.C. 8:40A (at N.J.A.C. 8:40A-7.7(g)). Finally, since the Department is not responsible for the training or certification of First Responders (that being the responsibility of other agencies, including, but not limited to, the Department of Law and Public Safety's Police Training Commission, the American Red Cross and the National Safety Council), references to First Responder training and certification (which may currently be found at N.J.A.C. 8:40A-9.4) have not been included in these proposed new rules.

The proposed new rules incorporate much of the language found in the recently expired N.J.A.C. 8:40A, but with numerous modifications, additions and exclusions. Therefore, even though the proposed new rules are said to be "similar" to language in the existing chapter, it should be noted that the citations are given as reference only.

A highlight of the proposed new rules, subchapter by subchapter, follows.

Subchapter 1. Authority, Scope and Definitions

None of these sections are new, although each has been modified in some way from the language in expired N.J.A.C. 8:40A. N.J.A.C. 8:40A-1.1, Authority, mimics language currently found in expired N.J.A.C. 8:40A-1.1(a). A reference to N.J.S.A. 26:2K-39 through 47 has been added in order to incorporate the defibrillation language that is being merged into this chapter from existing N.J.A.C. 8:41A. N.J.A.C. 8:40A-1.2, Scope and purpose, is similar to expired N.J.A.C. 8:40A-1.1(b), although here (and throughout the remainder of the chapter), the reference to "accreditation" as it relates to training agencies has been changed to "certification," so as to be consistent with the controlling statutory language found at N.J.S.A. 26:2K-57.

N.J.A.C. 8:40A-1.3, Definitions, while similar to expired N.J.A.C. 8:40A-1.2, has a significant number of new definitions. They are:

- Acute care hospital
- Advanced life support
- Advance practice nurse
- Aero-medical unit
- Airplane
- Automated external defibrillator
- Available
- Basic life support ambulance
- Certified
- Certificate of need
- Controlled dangerous substance
- Conviction (taken from expired N.J.A.C. 8:40A-9.5(a)12)
- CPR certification
- Crewmember
- Crime
- Disorderly persons offense
- Emergency medical services
- Emergency Medical Technician-Paramedic

EMT-Instructor
EMT-Instructor Aide
Evaluator
Field preceptor
Helicopter
Medical record
Mobile intensive care hospital
Mobile intensive care program
Mobile intensive care unit (MICU)
Mobility assistance vehicle
<<+NREMT+>>
Official NREMT representative
Patient
Patient care report
Petty disorderly persons offense
Physician
Physician assistant
Pre-hospital
Program instructor
Registered nurse
Remediation
Respiratory care practitioner
Revocation
Satellite emergency department
Specialty care transport unit (SCTU)
Valid

In addition, several of the definitions in the expired rules have been modified. The definition of "basic life support" has been modified by adding the words "or health care provider" as it relates to the level of CPR training. This language has also been added throughout chapter 40A everywhere CPR training requirements are discussed. The definition of "Emergency Medical Technician Training Fund" has been modified by the inclusion of the words "and for which that entity is not otherwise reimbursed," so as to make it consistent with the enabling legislation found at N.J.S.A. 26:2K-57. The term "State Advisory Council" has been modified to make reference to the enabling statute, rather than the more obscure Public Law. The term "State EMT Faculty" has been altered by the removal of the requirement that at least two members be emergency physicians, and the phrase "pre-hospital providers" has been changed to "pre-hospital care givers" to reflect the fact that "providers" are now defined in the Department's rules as the entities that operate basic life support ambulance services. The term "training agency" has also been modified to clarify that training agencies may train any individual as an EMT-Basic, but they receive reimbursement from the Emergency Medical Technician Training Fund only for those persons who serve on volunteer ambulance, first aid or rescue squads. Finally, "volunteer ambulance, first aid or rescue squad" has been modified by the addition of the words "without receiving payment," so as to be

consistent with the language at N.J.S.A. 27:5F-20.

Finally, a few definitions that exist in the expired version of N.J.A.C. 8:40A have not been included, since they do not appear anywhere in the body of the proposed new rules. They are:

AHA Defibrillation Guidelines

Emergency Medical Technician Training Fund Act

First Responder

First Responder Curriculum

First Responder-Defibrillation

New Jersey State First Aid Council

Finally, N.J.A.C. 8:40A-1.4, Waivers, remains substantially the same as it existed in expired N.J.A.C. 8:40A-1.4.

Subchapter 2. Emergency Medical Technician Training Fund

Subchapter 2 outlines the standards for a training agency's participation in the Emergency Medical Technician Training Fund, as authorized by N.J.S.A. 26:2K-54 et seq. N.J.A.C. 8:40A-2.1, Eligibility for participation in the Emergency Medical Technician Training Fund, remains fairly true to language in the expired version of N.J.A.C. 8:40A-2.1, with the exception of the inclusion of the words "for which that agency, organization or entity is not otherwise reimbursed" at N.J.A.C. 8:40A-2.1(a). This language has been added in order to make the rule consistent with the language of the controlling statute at N.J.S.A. 26:2K-57.

N.J.A.C. 8:40A-2.2, Disbursement of funds, remains fairly true to language found at expired N.J.A.C. 8:40A-2.2. The language at N.J.A.C. 8:40A-2.2(c)1 regarding reimbursement rates has been modified so as to make it consistent with the language found at N.J.S.A. 26:2K-57. In addition, N.J.A.C. 8:40A-2.2(d) has been slightly changed to make it clear that all written documentation must be submitted to the Department's Office of Emergency Medical Services.

Subchapter 3. Training Agency Certification

This subchapter sets forth the standards for certification as an approved training agency. N.J.A.C. 8:40A-3.1, Application, remains very similar to expired N.J.A.C. 8:40A-3.1, with the exception of a modification at N.J.A.C. 8:40A-3.1(b)1, where the term "Primary EMT-Instructor" has been changed to "Lead EMT-Instructor." This change has also been made throughout the entire chapter, wherever the term "Primary EMT-Instructor" previously appeared.

N.J.A.C. 8:40A-3.2, Site visits, which sets forth the areas that Department staff considers when conducting a training agency site visit, remains similar to language in expired N.J.A.C. 8:40A-3.2. Of note is N.J.A.C. 8:40A-3.2(a), which now makes site visits the sole responsibility of the Department. However, the Department may, as needed, invite other persons to accompany Department staff during such visits. N.J.A.C. 8:40A-3.3, Suspension or revocation of training agency certification, mimics expired N.J.A.C. 8:40A-3.4, with the sole exception of the words "basic training agencies only" at N.J.A.C. 8:40A-3.3(a)8.

Subchapter 4. Training Agency Personnel

Subchapter 4 lists the personnel necessary for an entity to operate an approved training agency. N.J.A.C. 8:40A-4.1, Program director, remains true to expired language at N.J.A.C. 8:40A-4.1. N.J.A.C. 8:40A-4.2, Program coordinator, is very similar to expired N.J.A.C. 8:40A-4.2, with the exception of N.J.A.C. 8:40A-4.2(a)2, which increases the requirement for active EMT-Instructor experience from two to three years. N.J.A.C. 8:40A-4.3, Program medical advisor, also remains true to expired language at N.J.A.C. 8:40A-4.3. N.J.A.C. 8:40A-4.4, Lead EMT-Instructor, is similar to expired N.J.A.C. 8:40A-4.4, with the exception that the term "Primary EMT-Instructor" had been changed to "Lead EMT-Instructor." Finally, N.J.A.C. 8:40A-4.5, EMT-Instructor, remains similar to expired N.J.A.C. 8:40A-4.5, with the minor modification at N.J.A.C. 8:40A-4.5(a), where the word "adequate" has been changed to "appropriate," and the words "instructor coverage" have been changed to "instruction." N.J.A.C. 8:40A-4.6 outlines the responsibilities of the EMT-Instructor Aide.

Subchapter 5. Basic Training Programs

Subchapter 5 covers all areas relevant to basic training programs, including student qualifications, staffing requirements and program curriculum.

N.J.A.C. 8:40A-5.1, General information and requirements, is new and sets forth basic requirements such as making academic counseling services available to students, and requiring training agencies to provide students with accurate information regarding tuition, fees and institutional policies. N.J.A.C.

8:40A-5.2, Student qualifications, is similar to expired N.J.A.C. 8:40A-6.7. However, the age requirement at N.J.A.C. 8:40A-5.2(a)1 has been lowered from 18 to 16 years. In addition, the restriction against the use of automated external defibrillators (AEDs) by minors has been omitted. Finally, language has been added at N.J.A.C. 8:40A-5.2(a)2 requiring students to maintain their CPR certification throughout the duration of the basic training program.

N.J.A.C. 8:40A-5.3, Attendance, remains essentially the same as expired N.J.A.C. 8:40A-6.8, except that the requirement that all session work be completed within six months from the end of the basic training program has been changed to three months. In addition, new language has been added at N.J.A.C. 8:40A-5.3(c) mandating that any student who misses three consecutive sessions shall be automatically expelled from the basic training program and shall be required to enroll in an entirely new program. The language in N.J.A.C. 8:40A-5.4, Reporting requirements, replaces the language in expired N.J.A.C. 8:40A-6.9.

N.J.A.C. 8:40A-5.5, Application to conduct a basic training program, retains much of the language at expired N.J.A.C. 8:40A-6.1. However, the language at N.J.A.C. 8:40A-5.5(a)1 has been modified to provide that late applications will not be accepted for processing, and new language has been added at N.J.A.C. 8:40A-5.5(b)3, 4, 6, 7 and (c), adding extra requirements as part of the application process. In addition, subparagraph (b)1vi requires that all persons teaching Automatic External Defibrillation machine use shall be certified in CPR/AED training to the level of CPR/AED Guidelines as issued by the American Heart Association, the American Red Cross,

the National Safety Council or other entity determined by the Department to comply with AHA CPR/AED Guidelines. AHA CPR/AED Guidelines are the universally

accepted standard in the industry. By accepting the AHA CPR/AED Guidelines for training purposes, the Department seeks to ensure that licensees under these rules who deliver CPR/AED training to students are doing so following safe and prudent techniques, including, but not limited to, knowledge and techniques for determining when use of the AED is appropriate as well as how to properly connect the machine to the patient.

N.J.A.C. 8:40A-5.6, Instructional staff, is similar to expired N.J.A.C. 8:40A-6.3, with the addition of "program director" and "program medical advisor" to the list of required staff. Of note is the removal of the language regarding hardship waivers. N.J.A.C. 8:40A-5.7, Training sites, mimics language found at expired N.J.A.C. 8:40A-6.5 and 6.6. However, a significant change has been made at N.J.A.C. 8:40A-5.7(c), where the Department had added the requirement that satellite training sites must now be approved, in writing, by the Department prior to utilization.

N.J.A.C. 8:40A-5.8, Program curriculum, remains somewhat similar to expired N.J.A.C. 8:40A-6.4. The language at N.J.A.C. 8:40A-5.8(e) has been expanded to allow a 10-hour clinical experience in another area related to pre-hospital care that has been approved by the Department, instead of just a hospital emergency department. As frequently cited throughout these proposed rules, the United States Department of Transportation (U.S.D.O.T.) EMT-Basic National Standards Curriculum (obtainable from The National Highway Traffic Safety Administration, 400 7th Street S.W., Washington, D.C. 20590) contains the curriculum standards to be followed. These standards are significant in that they have been adopted either in whole or in part by almost every state jurisdiction which regulates EMT-Basic training. New Jersey has adopted the EMT-Basic National Standards Curriculum in large part, and uses them to regulate such areas as suspension of training agencies, found at N.J.A.C. 8:40A-3.3, and to determine the duties of the Lead EMT Instructor, found at N.J.A.C. 8:40A-4.4.

N.J.A.C. 8:40A-5.9, Goals and objectives, remains true to expired N.J.A.C. 8:40A-6.2.

Subchapter 6. NREMT-Basic Certification Examination

This subchapter contains all of the information regarding the EMT-certification examination process. N.J.A.C. 8:40A-6.1, General information, is an entirely new section, which contains some language from expired N.J.A.C. 8:40A-8.2(c) and (e) regarding the integrity of the examination process. The major difference between the language contained in Subchapter 6 and the expired language in N.J.A.C. 8:40A-8 is the fact that the Department now utilizes the NREMT-Basic Certification Examination, as opposed to the State Written Certification Examination, as its method of testing persons for EMT-Basic certification. This reflects a considerable change in the Department's testing procedures, and is one that the Department has been working diligently to implement.

N.J.A.C. 8:40A-6.2, Eligibility to sit for the examination, remains similar to expired N.J.A.C. 8:40A-8.1, although all references to the "Transition Program Coordinator" have not been included in the proposed new rules. In addition, all references to the "Notice of Examination Ineligibility" have been omitted. Also of note is the addition of the requirement that all students will be required to submit a "Request for Criminal History Record," for submission by OEMS to the State Police. The fee associated with the review shall be the responsibility of the student. Given the events of the past year, the Department feels that such a review is necessary to safeguard the public health, safety and welfare. Although a student will be allowed to enroll in a basic training program regardless of his or her criminal background, he or she may not be permitted to sit for the NREMT-Basic Certification Examination if he or she has been convicted of a serious crime (including, but not limited to, murder, kidnapping, assault, rape, robbery, the sale and/or possession of controlled dangerous substances), or admitted into pre-trial intervention or conditional discharge.

N.J.A.C. 8:40A-6.3, Admittance to the examination, remains fairly true to expired N.J.A.C. 8:40A-8.2, with the exception that N.J.A.C. 8:40A-6.3(a) 2i had been modified to allow an individual 12, rather than six, months from the end of a training program within which to sit for the NREMT-Basic Certification Examination. Additionally, N.J.A.C. 8:40A-6.3(a)3 has been altered to make it clear that an actual CPR card must be presented in order to be admitted into the actual examination site.

N.J.A.C. 8:40A-6.4, Accommodations for persons with documented learning disabilities, has been expanded considerably from the expired language at N.J.A.C. 8:40A-8.2(d), so as to be more consistent with the NREMT's policies. An integral part of the proposed rule is the reference to the Diagnostic and Statistical Manual of Mental Disorders (DSM IV; American Psychiatric Association, 1994), incorporated herein by reference as amended and supplemented. Reference to this universal standard will make documentation requirements the same for all test applicants, eliminating any confusion that may exist without this reference.

Finally, N.J.A.C. 8:40A-6.5, Examination results and reexaminations, which replaces expired N.J.A.C. 8:40A-8.3, has been changed at N.J.A.C. 8:40A-6.5(a) to reflect the fact that the Office of Emergency Medical Services is no longer responsible for mailing out examination results. In addition, N.J.A.C. 8:40A-6.5(c) has been altered to provide examinees three, instead of two, attempts at the examination. New language regarding additional opportunities to sit for the examination has been added at N.J.A.C. 8:40A-6.5(d)1, and the time in which all examination attempts must be made has been increased from six to 12 months.

Subchapter 7. EMT-Basic Certification

This subchapter contains all the information pertaining to EMTs-Basic certification, reciprocity, provisional status of minor, recertification and expired certifications. N.J.A.C. 8:40A-7.1, General information, is a new section which sets forth basic information regarding criminal backgrounds and

the requirement to notify OEMS of any name or address changes once an individual has become certified. Most of N.J.A.C. 8:40A-7.2, Certification, is similar to expired N.J.A.C. 8:40A-9.1, although new language has been added at N.J.A.C. 8:40A-7.2(b), which includes advanced practice nurses in the category of persons eligible for relaxed EMT-Basic certification, as well as changes made at N.J.A.C. 8:40A-7.2(c), which clarifies EMT-Basic certification shall not be valid for more than 42 months.

N.J.A.C. 8:40A-7.3, Reciprocity, is similar to expired N.J.A.C. 8:40A-9.6 with, again, several modifications and the addition of new language at N.J.A.C. 8:40A-7.2(a)1i through iv. Recognition of the Atlantic EMS Council has been added at N.J.A.C. 8:40A-7.1(a), and N.J.A.C. 8:40A-7.1(b) and (b)1 have been drafted so as to acknowledge the existence of an abbreviated certification process. Finally, N.J.A.C. 8:40A-7.3(b)2 has been modified by changing the language to recognize the EMT-Instructor, rather than the Core 12 instructor.

N.J.A.C. 8:40A-7.4, Provisional status of minors, may be compared to the expired language at N.J.A.C. 8:40A-9.2. The language at N.J.A.C. 8:40A-7.4(b) has been modified to include the restriction that minors shall not be utilized to meet the minimum staffing requirements of any licensed MAV, BLS ambulance or Specialty Care Transport Unit.

N.J.A.C. 8:40A-7.5, Recertification, is similar to expired N.J.A.C. 8:40A-9.3. It is noteworthy that language at N.J.A.C. 8:40A-7.5(a)2 has been drafted to provide candidates for EMT recertification with the option of completing either two credit hours from each of the 12 core sessions identified at N.J.A.C. 8:40A-9.5(a)1i or completing an approved Core 13 program to complete the 24 core credit hour requirement for recertification. A significant change is the addition of a \$5.00 fee for additional continuing education unit (CEU) status letters and replacement certification cards. As always, one CEU status letter will be provided free of charge, and will be mailed to the EMT-Basic approximately six months before his or her certification is due to expire. All other CEU status letters requested by an individual will require submission of the \$5.00 fee. In addition, all such requests must be made in writing. This is being done due to the extremely large number of requests received by OEMS for CEU status letters and replacement certification cards. An inordinate amount of staff time is consumed in answering phone calls and faxes for this information. By requiring all requests to be made in writing, and by prohibiting telephone and facsimile requests, it is hoped that OEMS staff will be able to use this valuable time to concentrate on issues that are of concern to all certified EMT-Basics.

N.J.A.C. 8:40A-7.6, Expired certifications, is very similar to expired N.J.A.C. 8:40A-9.1(d), with two exceptions. The new rules no longer provide candidates with expired certifications the option of completing the Department's "EMT-B Transition" program in place of an approved Core 13 program. In addition, proposed N.J.A.C. 8:40A-7.6(b), similar to expired N.J.A.C. 8:40A-9.1(c) contains new language that provides that an EMT-Basic certification card issued under this section shall be valid for a period of not

less than 36, nor more than 42 months. As before, no grace periods or extensions may be granted.

Subchapter 8. EMT-Instructor Certification

This subchapter contains all the information pertaining to EMT-Instructor certification, recertification and expired certifications. N.J.A.C. 8:40A-8.1, Certification, remains similar to language at expired N.J.A.C. 8:40A-5.1, with the exception of new language at N.J.A.C. 8:40A-8.1(a), (c)4, (d)1 through 4 and (f)1 and 2. Of significance are the changes at N.J.A.C. 8:40A-8.1(c)1, which raises the age requirement for EMTs-Instructor from 18 to 21 years and N.J.A.C. 8:40A-8.1(c)3, which requires at least 36 consecutive months of active experience as a practicing EMT-Basic. Also worth noting is N.J.A.C. 8:40A-8.1(a)6, which raises, from 30 to 60, the number of hours that may be credited prior to the completion of the Instructor Training Institute Program. Finally, language has been added at N.J.A.C. 8:40A-8.1(d) which allows the Department to deny a person EMT-Instructor certification if he or she has been convicted of a serious crime or of a petty disorderly persons offense involving either (1) the possession, utilization, sale and/or distribution of any controlled dangerous substance, (2) a risk of harm to the health, safety or welfare of patients or (3) patient abuse or neglect.

N.J.A.C. 8:40A-8.2, Recertification, also remains substantially similar to expired language at N.J.A.C. 8:40A-5.2, with the exception of new language at N.J.A.C. 8:40A-8.2(c), which provides for the \$5.00 fee for replacement certification cards. The language at N.J.A.C. 8:40A-8.2(a)3i has been modified to make it clear that EMTs-Paramedic do not need to earn the 15 elective credits required at N.J.A.C. 8:40A-3.2(a)3 if they have maintained the 48 credit hours required for EMT-Paramedic recertification.

Finally, N.J.A.C. 8:40A-8.3, Expired certifications, remains similar to expired N.J.A.C. 8:40A-5.2(d), with the sole addition of new language at N.J.A.C. 8:40A-8.3(b). The Department has added successful completion of the Instructor Training Institute program as a requirement for those persons whose EMT-Instructor certification has been expired for more than 36 months.

Subchapter 9. Continuing Education Programs

Subchapter 9 includes all the information necessary for individuals participating in continuing education programs. N.J.A.C. 8:40A-9.1, Student qualifications, is borrowed from expired N.J.A.C. 8:40A-7.4, although new language has been added at N.J.A.C. 8:40A-9.1(a)1 and 3. N.J.A.C. 8:40A-9.1(a)1 lowers the minimum age of eligibility to enroll in, and received credit for, a continuing education session from age 18 to age 16. N.J.A.C. 8:40A-9.1(a)3 contains the new requirement that a candidate possess the physical capability of performing all required skills and tasks of an EMT-Basic student as defined by the most current version of the United States Department of Transportation's EMT-Basic National Standard Curriculum.

N.J.A.C. 8:40A-9.2, Student attendance requirements, is very similar to expired N.J.A.C. 8:40A-7.5. N.J.A.C. 8:40A-9.3, Application to offer a continuing education session, is substantially similar to expired N.J.A.C.

8:40A-7.1, except that this Agency has determined that the distinction expired N.J.A.C. 8:40A-7.1 made between EMT recertification programs and EMT continuing education programs at expired N.J.A.C. 8:40A-7.1(c)1v, N.J.A.C. 8:40A-7.1(c)1vi, and N.J.A.C. 8:40A-7.1(c)1vii, need not be continued in the new rules. Accordingly, new rule N.J.A.C. 8:40A-9.3(b) 1 no longer prohibits respiratory care practitioners, New Jersey EMT Instructors and persons with specialized training applicable to the topic from teaching continuing education programs as well as EMT recertification programs only.

In addition, N.J.A.C. 8:40A-9.3(a)1 includes language that provides that late applications will not be accepted for processing. Finally, the language at N.J.A.C. 8:40A-9.3(b)5 has also been altered, to include an instructor/student ratio of one to 10 if assisted by an EMT-Instructor Aide.

N.J.A.C. 8:40A-9.4, Instructional staff, is essentially unchanged from the prior language of expired N.J.A.C. 8:40A-7.3. N.J.A.C. 8:40A-9.5, Program curriculum, remains similar to expired N.J.A.C. 8:40A-7.2, but it is noteworthy that proposed N.J.A.C. 8:40A-9.5(a)2i contains the provision that responsibility for identifying elective programs now rests with the Department instead of the State Advisory Council. Finally, N.J.A.C. 8:40A-9.6, Reporting requirements, is essentially unchanged from expired N.J.A.C. 8:40A-7.6, but is improved by the use of the term "30 calendar days" at N.J.A.C. 8:40A-9.6(a), which eliminates the ambiguous interpretations engendered by the prior use of the term, "30 days," at expired N.J.A.C. 8:40A-7.6(a).

Subchapter 10. Scope of Practice, Enforcement Actions and Hearings

Finally, subchapter 10 addresses the approved scope of practice for EMTs-Basic, as well as the Department's recourse when a person operates outside his or her scope of practice or violates any of the other rules contained in this chapter. N.J.A.C. 8:40A-10.1, Scope of practice, is brand new, but has been included so as to make it consistent with similar language proposed at N.J.A.C. 8:40 and 8:41A. While this new language does not expand on the scope of practice that is currently afforded EMTs-Basic, it does set it down in writing so that there can be no misunderstanding.

N.J.A.C. 8:40A-10.2, Enforcement actions, remains similar in content to the language found at expired N.J.A.C. 8:40A-9.5. Of note, however, is the addition of formal written warnings, monetary penalties and probation that have been added to N.J.A.C. 8:40A-10.2(b). The addition of such language at N.J.A.C. 8:40A-10.2(b) simply serves to clarify the types of actions available to the Department and to make the language of this chapter consistent with that found in Chapter 41A for EMT-Paramedics. The reasons for enforcement have been expanded at N.J.A.C. 8:40A-10.2(b)19 to include situations where an EMT-Basic makes verbal or physical threats against any person while acting in the capacity of an EMT-Basic and at N.J.A.C. 8:40A-10.2(b)20 to include an individual's failure to provide appropriate basic life support care or to recognize the need for advanced life support intervention.

N.J.A.C. 8:40A-10.3, Hearings, is also a new section, but simply expands on

the reference to hearing rights provided for at expired N.J.A.C. 8:40A-9.5(b) and (c), 3.1, 6.1(e) and 7.1(g). The language in N.J.A.C. 8:40A-10.3 mimics that found in proposed Chapter 41A for EMTs-Paramedic. Finally, N.J.A.C. 8:40A-10.4, Penalty for impersonating an EMT-Basic or EMT-Instructor, is also new to Chapter 40A. This section is intended to give the Department the ability to take enforcement actions against those individuals who act in the capacity of an EMT-Basic without the requisite certification, and is statutorily authorized by N.J.S.A. 26:2K-42.

As the Department has provided for a 60-day comment period for its rule proposals, this notice of proposal is exempt from the calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rules seek to protect the public health, safety and welfare by setting forth uniform standards for all Emergency Medical Technicians-Basic. Much like basic life support ambulance services, the actions of Emergency Medical Technicians-Basic have the potential of affecting every citizen and visitor to the State. As such, the continued existence of rules governing the training and certification of Emergency Medical Technicians-Basic is of the utmost importance.

The proposed new rules continue to support the EMS system in New Jersey, including the volunteers who are so critical to that system. There is no negative social impact as a result of these rules.

Economic Impact

The proposed new Emergency Medical Technician-Basic: Training and Certification rules, N.J.A.C. 8:40A, establish a mechanism that permits the Department of Health and Senior Services to regulate and reimburse training agencies for providing emergency medical technician training programs to members of, or prospective members of, volunteer first aid, ambulance or rescue squads as defined at N.J.S.A. 27:5F-20. The proposed rules would permit a training agency that has identified a need in their area to promote the training of volunteer first aid squad members and accommodate more of those members. This would allow the training agency to be reimbursed for those students, and, therefore, make the training available to the additional students for no cost. The EMT Training Fund Act (N.J.S.A. 26:2K-54 et seq.) provides that the Commissioner of Health and Senior Services may reimburse the training agency for the training of volunteer first aid and rescue squad members, only if the training agency does not charge that member a fee. Therefore, it is anticipated that these rules will have a significantly positive economic impact on accredited training agencies, volunteer first aid and rescue squads, and individual members of volunteer first aid and rescue squads.

The proposed new rules establishes a \$5.00 service fee for the replacement of lost certification cards and/or requests for EMT Certification Status Letters

beyond the one letter sent to all EMTs in the third and final year of their EMT certification. It is hoped that the implementation of these fees will drastically reduce the number of requests, which in turn will reduce the number of staff hours required to fill these requests. This will reduce the economic impact upon State government resources and, at the same time, the \$5.00 fee should not have any significant impact on individual EMTs.

There is a need to protect public health and welfare, and the requirement for criminal background checks will enhance this effort. For those individuals who would be required to submit to a criminal background check, a fee, currently \$15.00, would be required. It has been determined that such a requirement is essential and that it should be borne by the candidate in question. Since this is a one-time only fee, it is not considered to be an overly burdensome requirement with any substantial economic impact.

Federal Standards Statement

These rules are not being proposed pursuant to, or in order to implement, comply with or participate in any program established under Federal law or any State law incorporating or referring to Federal requirements.

Jobs Impact

The proposed new rules will not generate or cause the loss of any jobs.

Agriculture Industry Impact

The proposed new rules will not have an impact on the State's agriculture industry.

Regulatory Flexibility Analysis

The proposed new rules are expected to impact on approximately 450 companies and sole proprietorships, approximately half of which meet the definition of a small business as listed under N.J.S.A. 52:14B-16 et seq. The proposed rules require certain program instruction, program coordination and reporting requirements, however no additional professional staff are anticipated to be required. There will be no need for additional professional services under these proposed rules.

EMT instructors must be certified by OEMS endorsed by the program coordinator. Program coordinators shall be certified EMT instructors with at least three years of experience as active EMT instructors. Program medical advisors shall be physicians with experience in emergency medicine. All three types of professionals are the same types that have traditionally served in their respective capacities in this industry. The trainers are responsible for notifying OEMS of the names of individuals who have attended and successfully completed approved training courses for which the licensees shall receive credit.

Initial and annual compliance costs will depend upon the degree to which each BLS provider chooses to involve itself in training operations. Proposed N.J.A.C. 8:40A does not impose mandatory training obligations for any BLS provider. Rather, the regulatory structure only requires that certified and/or recertified EMTs meet certain educational and training requirements. The proposed rules do not mandate which organizations must provide the training. Therefore, training costs under the proposed rules have not increased. They are a component of the cost of doing business. In this way, the proposed rules are inherently designed to minimize any adverse economic impact on small businesses. As a result of this regulatory structure, there is no need to consider whether it would be prudent to have differing compliance or reporting requirements for small businesses, whether performance rather than design standards are more appropriate, or whether exemption from all or part of the rule would be warranted. Without question, permitting BLS training providers who are small businesses to utilize training staff qualified to a lower standard than training staff who work for large businesses would endanger the public health, safety and welfare, as well as deny the public the equal protection of law.

Smart Growth Impact

The proposed new rules shall not have an impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Full text of the proposed new rules follows:

<<+CHAPTER 40A+>>

<<+EMERGENCY MEDICAL TECHNICIANS-BASIC: TRAINING AND
CERTIFICATION+>>

<<+SUBCHAPTER 1. AUTHORITY, SCOPE AND DEFINITIONS+>>

<< NJ ADC 8:40A-1.1 >>

<<+8:40A-1.1 Authority+>>

<<+These rules are promulgated pursuant to N.J.S.A. 26:2K-39 through 47 and 26:2K-54 through 62, which authorize the Commissioner to adopt rules pertaining to the training, testing and certification of Emergency Medical Technicians-Basic.+>>

<< NJ ADC 8:40A-1.2 >>

<<+8:40A-1.2 Scope and purpose+>>

<<+(a) These rules shall apply to:+>>

<<+1. Any person seeking certification or recertification as an EMT- Basic;+>>

<<+2. Certified EMTs-Basic;+>>

<<+3. Any person seeking certification or recertification as an EMT- Instructor;+>>

<<+4. Certified EMTs-Instructor;+>>

<<+5. Any private agency, organization or entity seeking certification as a training agency; and+>>

<<+6. Certified training agencies.+>>

<< NJ ADC 8:40A-1.3 >>

<<+8:40A-1.3 Definitions+>>

<<+The following words and terms, as utilized in this chapter, shall have the following meanings, unless the context in which they are utilized clearly indicates otherwise.+>>

<<+"Acute care hospital" means any hospital, validly licensed by the Department, which maintains and operates organized facilities and services for the diagnosis, treatment or care of persons suffering from acute illness, injury or deformity and in which all diagnoses, treatment and care are administered by or performed under the direction of persons who, in accordance with N.J.S.A. 45:9-6, are validly licensed to practice medicine and surgery by the New Jersey State Board of Medical Examiners.+>>

<<+"Advanced life support" or "ALS" means an advanced level of pre-hospital, inter-facility or emergency medical care that includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti-arrhythmic agents, intravenous (IV) therapy, administration of specific medications, drugs and solutions, utilization of adjunctive ventilation devices, trauma care and other techniques and procedures authorized in writing by the Commissioner.+>>

<<+"Advanced practice nurse" means a person who is validly licensed by the New Jersey Board of Nursing in accordance with the standards set forth at N.J.S.A. 45:11-45 et seq.+>>

<<+"Aero-medical unit" or "AMU" means a specially equipped helicopter or airplane that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:41.+>>

<<+"AHA CPR Guidelines" means these guidelines as published by the American Heart Association, National Center, 7272 Greenville Avenue, Dallas, TX 75231- 4596, incorporated herein by reference as amended and supplemented. A copy of the guidelines is on file and available for inspection at the Office of Emergency Medical Services.+>>

<<+"Airplane" means, as defined at 14 C.F.R. 1.1, an engine-driven fixed- wing aircraft heavier than air, which is supported in flight by the dynamic reaction of the air against its wings.+>>

<<+"Automated external defibrillator" or "AED" means a device that can be attached to a patient in cardiopulmonary arrest, analyze an electrocardiogram for the presence of potentially lethal dysrhythmias (specifically, ventricular fibrillation and fast ventricular tachycardia), deliver an electrical defibrillation to the patient in accordance with the requirements of standard treatment protocols, and produce an event summary that documents significant events in the utilization of the device, specifically events prior to and after an electrical defibrillation.+>>

<<+"Available" means ready for immediate utilization (pertaining to equipment, vehicles and personnel) or immediately accessible (pertaining to records).+>>

<<+"Basic life support" or "BLS" means a basic level of pre-hospital care that includes patient stabilization, airway clearance and maintenance, cardiopulmonary resuscitation (CPR) (to the level of the Professional Rescuer or Health Care Provider as issued by either the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR Guidelines), hemorrhage control, initial wound care, fracture stabilization, victim extrication and other techniques and procedures as defined in the United States Department of Transportation (U.S.D.O.T.) EMT-Basic National Standards Curriculum (obtainable from The National Highway Traffic Safety Administration, 400 7th Street S.W., Washington, D.C., 20590, by accessing their website at www.nhtsa.dot.gov/people/injury/ems or by calling (888) 327-4236).+>>

<<+"Basic life support ambulance" or "BLS ambulance" means an emergency medical services vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:40.+>>

<<+"Basic life support ambulance service" or "BLS ambulance service" means an entity that is validly licensed by the Department to provide pre-hospital basic life support care; and/or BLS inter-facility transfers.+>>

<<+"Certified" or "certification" means official documentation that a person or agency has completed all the requirements of an approved training program and has demonstrated competence in the subject matter to the satisfaction of the certifying agency.+>>

<<+"Certificate of need" means the formal written approval of the New Jersey Department of Health and Senior Services to construct or expand a health care facility or to institute a new health care service, in accordance with requirements set forth at N.J.A.C. 8:33.+>>

<<+"Commissioner" means the Commissioner of the New Jersey Department of Health and Senior Services.+>>

<<+"Controlled dangerous substance" means a drug, substance or immediate precursor identified in Schedules I through V of the New Jersey Controlled Dangerous Substances Act (N.J.S.A. 24:21-5 through 24:21-8.1). The term shall not include distilled spirits, wine or malt beverages, as those terms are defined or utilized in N.J.S.A. 33:1-1 et seq., or tobacco and tobacco products.+>>

<<+"Convicted" or "conviction" means a finding of guilt by a judge or jury, a guilty plea, a plea of nolo contendere or non-vult or entry into a pre-trial intervention program or other diversionary program authorized under the statutes of the State of New Jersey or under any other state's statutes.+>>

<<+"Core 13" means a New Jersey Department of Health and Senior Services, Office

of Emergency Medical Services approved EMT-B continuing education training program that includes the entire United States Department of Transportation's EMT-Basic National Standard Refresher Curriculum, to be taught in a period of no less than 24 classroom hours.+>>

<<+"CPR certification" means valid certification in cardiopulmonary resuscitation to the level of the Professional Rescuer or Health Care Provider as issued by the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR Guidelines.+>>

<<+"Crewmember" means any person (including, but not limited to, an EMT- Basic) who staffs a basic life support ambulance or specialty care transport unit.+>>

<<+"Crime" means, in accordance with the New Jersey Code of Criminal Justice, specifically N.J.S.A. 2C:1-4, any offense for which a sentence of imprisonment in excess of six months is authorized.+>>

<<+"Department" means the New Jersey Department of Health and Senior Services.+>>

<<+"Disorderly persons offense" or "petty disorderly persons offense" shall have the same meaning as the definition provided by the New Jersey Code of Criminal Justice at N.J.S.A. 2C:1-4, incorporated herein by reference, as amended and supplemented. Generally, such offenses are under the jurisdiction of municipal courts, carry a maximum jail term of six months or less, and are characterized by being minor in nature, not giving rise to the rights of trial by jury or indictment by grand jury. Examples of offenses include harassment, obstructing a public passage, and fighting in a public place.+>>

<<+"Emergency" means a person's perceived need for immediate medical care in order to prevent death or aggravation of physiological or psychological illness or injury.+>>

<<+"Emergency medical services" or "EMS" means a system for the provision of emergency care and transportation of persons who are sick or injured and in need of immediate medical care.+>>

<<+"Emergency Medical Technician-Basic" or "EMT-Basic" means a person trained in basic life support care and validly certified or recognized by the Commissioner in accordance with the standards for Emergency Medical Technician- Basic certification as set forth in this chapter.+>>

<<+"Emergency Medical Technician-Paramedic" or "EMT-Paramedic" means a person trained in advanced life support care and validly certified or recognized by the Commissioner in accordance with the standards for Emergency Medical Technician-Paramedic certification as set forth at N.J.A.C. 8:41A.+>>

<<+"Emergency Medical Technician Training Fund" or "EMT Training Fund" means the fund established by N.J.S.A. 26:2K-54 et seq., to reimburse any private agency, organization or entity that is certified by the Commissioner in accordance with the standards for certification set forth in this chapter, to provide training and testing for volunteer ambulance, first aid and rescue squad members who are seeking EMT-Basic certification or recertification, and for which that entity is not otherwise reimbursed.+>>

<<+"EMT-Instructor" means a person who is validly certified by the Commissioner in accordance with the standards for EMT-Instructor certification as set forth in this chapter.+>>

<<+"EMT-Instructor Aide" means a person who is validly certified by the Commissioner as an EMT-Basic, is affiliated with a training program and assists the EMT-Instructor with the training curriculum.+>>

<<+"EMT Statewide Faculty" means New Jersey Certified EMT-Basics who possess unique skills, abilities and educational credentials, defined by the Department of Health and Senior Services, Office of Emergency Medical Services and who are deemed essential for the Statewide EMT-B training effort. Members of the faculty are selected by the Office of Emergency Medical Service's Education Coordinator, and serve as consultants to the Office of Emergency Medical Services Statewide training and evaluation efforts.+>>

<<+"Evaluator" means a person responsible for administering the practical "hands-on" portion of the NREMT-Basic Certification Examination. Evaluators are identified, appointed and trained by the Office of Emergency Medical Services to observe and record the actions of each EMT-Basic student based upon the criteria for each skill tested, in accordance with the standards and guidelines established by the National Registry of Emergency Medical Technicians.+>>

<<+"Field preceptor" means a person who possesses a higher level of expertise in both the subject matter and field training requirements of EMT- Basic students. A field preceptor shall be responsible for monitoring EMT-Basic students in the demonstration of knowledge and in the performance of skills during the course of a student's required field experience.+>>

<<+"Helicopter" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.+>>

<<+"Medical record" means any information and/or reports (including, but not limited to, patient care reports) that describe a person's physical condition and/or medical history.+>>

<<+"Minor" means a person who has attained the age of 16 but has not yet attained the age of 18.+>>

<<+"Mobile intensive care hospital" means an acute care hospital authorized by the Commissioner, by way of a certificate of need, to develop and maintain a mobile intensive care program for the purpose of providing advanced life support care to a specific population, geographic region or political subdivision.+>>

<<+"Mobile intensive care program" means a program, operated by a mobile intensive care hospital, which is validly licensed by the Department to provide pre-hospital advanced life support care by way of a specially equipped and staffed mobile intensive care unit.+>>

<<+"Mobile intensive care unit" or "MICU" means a specialized emergency medical services vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:41.+>>

<<+"Mobility assistance vehicle" or "MAV" means a specialized transport vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:40.+>>

<<+"NREMT" means The National Registry of Emergency Medical Technicians, which is a professional testing agency specializing in the development of evaluation instruments designed for utilization by various states in the certification and registration of emergency medical services professionals. The NREMT is

headquartered at the Rocco V. Morando Building, 6610 Busch Boulevard, PO Box 29233, Columbus, OH 43229-0233.+>>

<<+"Office of Emergency Medical Services" or "OEMS" means the Office of Emergency Medical Services in the New Jersey Department of Health and Senior Services, PO Box 360, Trenton, New Jersey, 08625. The telephone number for OEMS is (609) 633-7777.+>>

<<+"Official NREMT representative" means a person responsible for the administration of the written portion of the NREMT-Basic Certification Examination. Official NREMT representatives are appointed by the Office of Emergency Medical Services and are trained by the National Registry of Emergency Medical Technicians, in accordance with its standards and guidelines, to conduct all NREMT-Basic examination related activities.+>>

<<+"Patient" means any person who is ill or injured, living or deceased and with whom a crewmember has established physical or verbal contact.+>>

<<+"Patient care report" means and includes the written documentation completed each time a crewmember makes physical or verbal contact with a patient.+>>

<<+"Physician" means a person who is validly licensed by the New Jersey State Board of Medical Examiners in accordance with the standards set forth at N.J.S.A. 45:9-6.+>>

<<+"Physician assistant" means a person who is validly licensed by the New Jersey State Board of Medical Examiners in accordance with the standards set forth at N.J.S.A. 45:9-27.13.+>>

<<+"Pre-hospital" means the period of time prior to the delivery of a patient to a physician or registered nurse at an acute care hospital or satellite emergency department.+>>

<<+"Program curriculum" means the U.S.D.O.T. EMT-Basic National Standards Curriculum or the EMT-Basic National Standards Refresher Curriculum, (as applicable to either a basic training or continuing education program), promulgated by the Secretary of the United States Department of Transportation, incorporated herein by reference as amended and supplemented. Copies of the U.S.D.O.T. EMT-Basic National Standards Curriculum or the EMT-Basic National Standards Refresher Curriculum may be obtained from the National Highway Traffic Safety Administration (NHTSA), 400 7th St. SW, Washington, D.C. 20590, or via the Internet at www.nhtsa.dot.gov.+>>

<<+"Program instructor" means a person who possesses a high level of expertise in the subject matter of the didactic initial and continuing education requirements of EMT-Basic students as evidenced by certification from a nationally recognized organization, certification from another state or jurisdiction, possession of degrees and/or advanced degrees from post-secondary institutions of higher learning such as colleges and universities and/or submission to the Department of a curriculum vitae that outlines the individual's education and experience relative to the subject matter.+>>

<<+"Registered nurse" means a person who is validly licensed by the New Jersey State Board of Nursing in accordance with the standards set forth at N.J.S.A. 45:11-26.+>>

<<+"Remediation" means the formal process by which students who are experiencing difficulties following the lesson plan receive a formal review of any and all cognitive and psychomotor objectives associated with a specific module.+>>

<<+"Respiratory care practitioner" means a person who is validly licensed by the New Jersey State Board of Respiratory Care in accordance with the standards set forth at N.J.S.A. 45:14E-10.+>>

<<+"Revocation" or "revoked" means the permanent voiding, withdrawal and/or cancellation of a license or certification.+>>

<<+"Satellite emergency department" means a facility that is owned and operated by an acute care hospital, which provides emergency care and treatment.+>>

<<+"Specialty care transport unit" or "SCTU" means a specialized transport medical service vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:41.+>>

<<+"State Advisory Council" means the advisory body established pursuant to N.J.S.A. 26:2K-59.+>>

<<+"State EMT Faculty" means a body of persons appointed by the Office of Emergency Medical Services who are experienced in the education of the adult student, the delivery of emergency medical services and the training of pre-hospital care givers. The Faculty's purpose is to assist the Department in the implementation of the program curriculum.+>>

<<+"Training agency" means any private agency, organization or entity that has been certified by the Commissioner, in accordance with the standards for certification as set forth in this chapter, to provide training and testing to persons who are seeking EMT-Basic certification or recertification. Certified training agencies shall be eligible for reimbursement from the Emergency Medical Technician Training Fund for the training and testing of volunteer ambulance, first aid and rescue squad members.+>>

<<+"Valid" or "validly" means original (not a photo copy), current, up-to-date, not expired, in effect and/or not past the renewal date required by the issuer.+>>

<<+"Volunteer ambulance, first aid or rescue squad" means, in accordance with N.J.S.A. 27:5F-20, an ambulance, first aid or rescue squad that provides emergency medical services without receiving payment for those services. Whether the individual members of a squad provide their services for free or are compensated by the squad is irrelevant to a squad's volunteer status.+>>

<<+"Volunteer ambulance, first aid or rescue squad member" means a person who is a member of, or is an applicant to become a member of, a volunteer ambulance, first aid or rescue squad, as attested to by the chief supervising officer of that squad.+>>

<< NJ ADC 8:40A-1.4 >>

<<+8:40A-1.4 Waivers+>>

<<+(a) The Commissioner or his or her designee may grant a waiver of any part of this chapter if, in his or her opinion, such a waiver would not:+>>

<<+1. Endanger the life of any person;+>>

<<+2. Endanger the public health, safety or welfare; or+>>

<<+3. Adversely affect the provision of mobility assistance, basic life support or advanced life support care.+>>

<<+(b) Any agency, organization, entity or person seeking a waiver shall apply, in writing, to OEMS.+>>

<<+(c) An application for waiver shall include the following:+>>

<<+1. The nature of the waiver requested;+>>

<<+2. The specific standards for which the waiver is requested;+>>

<<+3. Reasons for requesting the waiver, including a statement of the type and degree of hardship that would result if the waiver is not granted;+>>

<<+4. An alternate proposal that would ensure public safety; and+>>

<<+5. Documentation to support the waiver application.+>>

<<+(d) The Department reserves the right to request additional information before processing an application for waiver.+>>

<<+SUBCHAPTER 2. EMERGENCY MEDICAL TECHNICIAN TRAINING FUND+>>

<< NJ ADC 8:40A-2.1 >>

<<+8:40A-2.1 Eligibility for participation in the Emergency Medical Technician Training Fund+>>

<<+(a) Reimbursement from the EMT Training Fund shall be limited to those private agencies, organizations or entities that have been certified by the Commissioner to provide training and testing for volunteer ambulance, first aid and rescue squad members who are seeking EMT-Basic certification or recertification for which that agency, organization or entity is not otherwise reimbursed.+>>

<<+(b) A training agency that is otherwise reimbursed for the training and testing of volunteer ambulance, first aid or rescue squad members shall not be eligible for reimbursement from the EMT Training Fund.+>>

<<+(c) A training agency that receives monies from the EMT Training Fund shall not charge a fee to a person who is a member of, or an applicant to be a member of, a volunteer ambulance, first aid or rescue squad, as attested to by the chief supervising officer of that squad on an official "EMT Training Fund Certificate of Eligibility" form.+>>

<< NJ ADC 8:40A-2.2 >>

<<+8:40A-2.2 Disbursement of funds+>>

<<+(a) Reimbursement from the EMT Training Fund shall be in conformance with N.J.S.A. 26:2K-56 and 57.+>>

<<+(b) The priority for reimbursement from the EMT Training Fund shall be in the following order, subject to available Fund balances:+>>

<<+1. EMT-Basic certification;+>>

<<+2. EMT-Basic recertification.+>>

<<+(c) Training agencies shall be reimbursed on a continuing basis, in accordance with the priority schedule set forth in (b) above, for each student who successfully completes an approved basic or continuing education program.+>>

<<+1. The per capita reimbursement rate and payment schedule shall be determined by the Commissioner, in accordance with recommendations adopted by the State Advisory Council.+>>

<<+2. The per capita reimbursement rate and the annual payment schedule shall be the same for all training agencies.+>>

<<+(d) Funds shall not be disbursed until such time as the training agency has provided OEMS with written documentation that identifies the approved basic or continuing education program, and the names of students for which reimbursement is requested.+>>

<<+SUBCHAPTER 3. TRAINING AGENCY CERTIFICATION+>>

<< NJ ADC 8:40A-3.1 >>

<<+8:40A-3.1 Application for a basic training program+>>

<<+(a) An agency, organization, or entity seeking certification as a training agency shall make application to the Department through OEMS.+>>

<<+(b) Applications for certification as a training agency shall include the following;+>>

<<+1. A complete list of personnel required to be associated with the training agency (that is, program director, program coordinator, program medical advisor, Lead EMT-Instructor and EMTs-Instructor), as defined in N.J.A.C. 8:40A-4.1 through 4.5. This list shall include the name, address, and telephone number for each person listed above. Should the program director, program coordinator or program medical advisor change after submission of the application or after approval, the applicant shall file an amended list with the Department within 30 calendar days of the change;+>>

<<+2. An estimate of the total number of EMT students to be trained on an annual basis;+>>

<<+3. An estimate of the minimum and maximum number of students that can be accommodated in any one basic training program;+>>

<<+4. Documentation showing that there will be adequate training equipment and aids to ensure that each student is able to have access to the equipment as required by the program curriculum; and+>>

<<+5. Documentation that the applicant has developed and shall implement a policy of control of access to student records in accordance with the standards of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.+>>

<<+(c) The Department shall review all applications for completeness. Incomplete applications shall not be processed until such time as the application has been amended and is deemed complete.+>>

<<+(d) The Department reserves the right to request additional information before processing an application.+>>

<<+(e) The Department shall make a determination on an application within 90 calendar days from the date on which the application is deemed complete by OEMS.+>>

<<+(f) Consistent with N.J.A.C. 8:40A-10.3(c), an agency, organization or entity denied certification as a training agency shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.+>>

<< NJ ADC 8:40A-3.2 >>

<<+8:40A-3.2 Site visits+>>

<<+(a) In order to evaluate the applicant's ability to provide training, a site visit may be conducted by Department staff, and/or a member of the State appointed EMT faculty. For basic programs, the visit may include, but is not limited to:+>>

<<+1. Interviews with the proposed program director, program coordinator, program medical advisor, Lead EMT-Instructor, and EMTs-Instructor, as necessary;+>>

<<+2. A tour of the proposed facilities, including classrooms and practice areas;+>>

<<+3. A tour of any proposed satellite training area(s); and+>>

<<+4. A review of the equipment, audio-visual aids, supplies and training aids to be utilized.+>>

<<+(b) Department staff may request additional information as it deems necessary in order to render its recommendation to the Commissioner.+>>

<<+(c) At the conclusion of its visit, Department staff shall prepare a report and shall give a copy of the report to the applicant. This report shall identify the deficiencies, if any, found as a result of the site review, and shall advise the applicant that it has 30 calendar days within which to correct the deficiencies.+>>

<<+(d) Thereafter, Department staff shall make a written recommendation to the Commissioner.+>>

<<+(e) In addition to site visits for initial certification, the Department may conduct periodic and unannounced site visits for the purpose of monitoring compliance with this chapter. Each training agency shall be subject to a site visit once every three years.+>>

<< NJ ADC 8:40A-3.3 >>

<<+8:40A-3.3 Suspension or revocation of training agency certification+>>

<<+(a) Training agency certification may be suspended or revoked for any of the following reasons:+>>

<<+1. Failure to adhere to the rules contained in this chapter;+>>

<<+2. Failure to strictly adhere to the U.S.D.O.T. EMT-Basic National Standards Curriculum;+>>

<<+3. Failure to maintain adequate personnel, facilities, resources, finances, records, equipment and evaluation tools;+>>

<<+4. Failure to maintain a current list of personnel and faculty and/or to notify the Department of changes thereto;+>>

<<+5. Failure to conduct, on an annual basis, at least one basic training program;+>>

<<+6. Refusal to allow Department staff to conduct a site review, inspection and/or evaluation, or obstructing Department staff during the course of such site review, inspection and/or evaluation;+>>

<<+7. Failure to successfully pass a site review, inspection or evaluation;+>>

<<+8. Failure to demonstrate satisfactory student performance scores on the NREMT-Basic Certification Examination, as determined by the Commissioner (basic training agencies only); or+>>

<<+9. Misutilization of EMT Training Fund monies, falsifying documents and other false filings of documents required by law, rule and/or regulation.+>>

<<+(b) In order to monitor compliance with this chapter, Department staff may attend any program session, examine any record of attendance, examine any documents relating directly to activities covered by this chapter, and request the submission of periodic reports on the training agency's activities. Failure to cooperate shall be grounds for suspension or revocation of a training agency's certification.+>>

<<+(c) Consistent with N.J.A.C. 8:40A-10.3(c), a training agency whose certification the Department proposes to suspend or revoke shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the proposed suspension or revocation.+>>

<<+(d) Any training agency whose certification is suspended for one year or more shall, after the period of suspension has expired, be required to meet the criteria set forth at N.J.A.C. 8:40A-5.5(b).+>>

<<+SUBCHAPTER 4. TRAINING AGENCY PERSONNEL+>>

<< NJ ADC 8:40A-4.1 >>

<<+8:40A-4.1 Program director+>>

<<+(a) Each training agency shall have a program director, who shall be responsible for the general operation of a training agency. The program director shall have experience in course planning, operation and evaluation. Additionally, experience in pre-hospital emergency medical services is recommended, but not required.+>>

<<+(b) The responsibilities of the program director shall include, but are not limited to:+>>

<<+1. Providing oversight to assure that the program content and instructional program complies with the standards and guidelines set forth in the program curriculum and this chapter;+>>

<<+2. Providing oversight to assist with the recruitment, selection and orientation of instructional staff;+>>

<<+3. Providing technical advice and assistance to the program coordinator and faculty;+>>

<<+4. Providing oversight to assure the quality of the educational and instructional experience;+>>

<<+5. Providing oversight to assure that the program is operated in compliance with this chapter;+>>

<<+6. Establishing and supervising a student application process;+>>

<<+7. Critiquing and evaluating the administration and results of all program examinations;+>>

<<+8. Serving as the primary contact person with the Department;+>>

<<+9. Serving as the training agency student/faculty liaison; and+>>

<<+10. Assuming the primary role in quality assurance.+>>

<<+(c) The program director need not be directly involved in the actual instruction of students.+>>

<< NJ ADC 8:40A-4.2 >>

<<+8:40A-4.2 Program coordinator+>>

<<+(a) Each training agency shall have a program coordinator designated by the sponsor and approved by OEMS.+>>

<<+(b) The qualifications necessary to serve as the program coordinator shall be as follows:+>>

<<+1. EMT-Instructor certification;+>>

<<+2. At least three consecutive years of experience as an active EMT- Instructor;+>>

<<+3. A demonstrated ability to coordinate administrative aspects of the basic training program including, but not limited to, familiarity with the program curriculum, the operations of the program schedule, and the ability to organize program sessions and student activities; and+>>

<<+4. A demonstrated ability to plan, implement and coordinate training sessions.+>>

<<+(c) The responsibilities of the program coordinator shall include, but are not limited to:+>>

<<+1. Providing oversight to assure that the program content and instructional program complies with the standards and guidelines set forth in the program curriculum and this chapter;+>>

<<+2. Providing oversight to assist with the recruitment, selection and orientation of the program medical advisor and instructional staff;+>>

<<+3. Providing technical assistance and guidance to the program medical advisor, instructional staff and students;+>>

<<+4. Providing oversight to assure the quality of the educational experience and of the instructional staff;+>>

<<+5. Identifying facilities and services where students can fulfill clinical and/or field experience requirements;+>>

<<+6. Providing oversight to the student application process;+>>

<<+7. Scheduling programs in accordance with the guidelines established by the program curriculum;+>>

<<+8. Scheduling instructional staff and ensuring that lecturers possess the appropriate skills and knowledge required for presenting specific sessions as outlined in the program outline;+>>

<<+9. Preparing, maintaining, procuring and inventorying all teaching materials and instructional aids;+>>

<<+10. Critiquing and evaluating the administration and results of all written and practical skills evaluations (in cooperation with the program director);+>>

<<+11. Maintaining all program evaluations, student records, files and program examination results;+>>

<<+12. Serving as student/faculty liaison;+>>

<<+13. Maintaining responsibility for quality assurance; and+>>

<<+14. Attending all EMT program coordinator meetings or training sessions as required by the Department. If the program coordinator is unable to attend, a representative shall be designated to attend.+>>

<<+(d) The program coordinator shall not also serve as the program director.+>>

<< NJ ADC 8:40A-4.3 >>

<<+8:40A-4.3 Program medical advisor+>>

<<+(a) Each training agency shall have a program medical advisor. The qualifications necessary to serve as the program medical advisor shall be as follows:+>>

<<+1. Physician status;+>>

<<+2. Experience in emergency medicine, and compliance with the requirements for emergency department physicians as set forth at N.J.A.C. 8:43G-12.3; and+>>

<<+3. Familiarity with basic life support care and services.+>>

<<+(b) The responsibilities of the program medical advisor shall include, but are not limited to:+>>

<<+1. Serving as a program medical advisor regarding the program content, procedures and protocols;+>>

<<+2. Consulting and/or advising the instructional staff in the preparation and presentation of the program;+>>

<<+3. Assisting in recruiting physicians to present materials in class, settling questions of medical protocol and acting as a liaison between the program and the medical community;+>>

<<+4. Serving as a resource to review the quality of care rendered by the EMT-Basic during the clinical and field experiences of the basic training program; and+>>

<<+5. Assisting in the review of all written and/or practical skills examinations developed by the program staff as needed.+>>

<<+(c) The program medical advisor shall be available for consultation, as needed.+>>

<< NJ ADC 8:40A-4.4 >>

<<+8:40A-4.4 Lead EMT-Instructor+>>

<<+(a) Each training agency shall have a designated Lead EMT-Instructor. The qualifications necessary to serve as the Lead EMT-Instructor shall be as follows:+>>
<<+1. Possession of EMT-Instructor certification;+>>

<<+2. Endorsement of the program coordinator; and+>>

<<+3. Knowledge in all areas of pre-hospital emergency care, techniques and methods of adult education, and managing resources and personnel.+>>

<<+(b) In addition, the person who serves as the Lead EMT-Instructor shall have a minimum of 120 hours of observed instruction as an EMT-Instructor under the direct supervision of a program coordinator, as documented in the accreditation application and its amendments.+>>

<<+(c) The responsibilities of the Lead EMT-Instructor shall include, but are not limited to:+>>

<<+1. Physically monitoring class sessions to assure program continuity and ensuring that each student has the cognitive, affective and psychomotor skills necessary to function as an EMT-Basic in the absence of the program coordinator;+>>

<<+2. Teaching program lessons, as defined by the U.S. Department of Transportation EMT-Basic National Standard Curriculum;+>>

<<+3. Attending all mandatory Department workshops relating to the implementation of the program curriculum; and+>>

<<+4. Assuming the responsibilities of the program coordinator in his or her absence.+>>

<< NJ ADC 8:40A-4.5 >>

<<+8:40A-4.5 EMT-Instructor+>>

<<+(a) Each training agency shall have an adequate number of EMTs-Instructor to provide appropriate instruction, as required by N.J.A.C. 8:40A-5.6(a) 5, at all practical skills sessions.+>>

<<+(b) The qualifications necessary to serve as an EMT-Instructor shall be as follows:+>>

<<+1. Possession of EMT-Instructor certification; and+>>

<<+2. Endorsement of the program coordinator.+>>

<<+(c) The responsibilities of an EMT-Instructor shall include, but are not limited to:+>>

<<+1. Assisting the Lead EMT-Instructor in the demonstration and practice designed to develop and evaluate student skill competencies; and+>>

<<+2. Assisting the Lead EMT-Instructor in conducting the program sessions.+>>

<< NJ ADC 8:40A-4.6 >>

<<+8:40A-4.6 EMT-Instructor Aide+>>

<<+Each training agency shall recruit and maintain a roster of EMT Instructor Aides to serve an apprenticeship with the respective training agency, provide appropriate instruction under the supervision of a Department of Health and Senior Services, Office of Emergency Medical Services approved EMT-B instructor, attend and participate in all aspects of EMT-Basic training, and assist in maintaining continuity for the training program.+>>

<<+SUBCHAPTER 5. BASIC TRAINING PROGRAMS+>>

<< NJ ADC 8:40A-5.1 >>

<<+8:40A-5.1 General information and requirements+>>

<<+(a) Each basic training program shall safeguard the health and safety of its students, faculty and any patients associated with the training activities.+>>

<<+(b) Each basic training program shall make academic counseling services available to each of its students. Guidance procedures shall be established that include documentation of regular and timely discussions with qualified faculty and the field preceptors regarding the student's strengths, weaknesses and overall progress in the basic training program.+>>

<<+(c) Accurate information regarding didactic and clinical training requirements, tuition, fees, institutional policies, programmatic policies, procedures and supportive services shall be available to all basic training program applicants and students.+>>

<<+(d) Each basic training program shall maintain on file a descriptive synopsis of the current curriculum, both didactic and clinical, as well as current course objectives, course outlines, schedules of didactic and clinical courses, field experience schedules and instructional plans on file. These files shall be made available to applicants and students during normal business hours, and shall be made available to Department staff upon demand.+>>

<<+(e) The Department shall conduct such audits and inspections as necessary to ensure compliance with the provisions of this chapter. The program coordinator shall submit reports to the Department as required, including, but not limited to, course schedules, students registered and attending on the first night of class and final grade reports of students enrolled.+>>

<<+(f) Student records shall be retained for a period of at least five years from the end of training or termination of a student from the basic training program. The program coordinator shall maintain all student records and shall make those records available to Department staff upon demand.+>>

<< NJ ADC 8:40A-5.2 >>

<<+8:40A-5.2 Student qualifications+>>

<<+(a) The requirements for enrollment in, and to receive credit for, a basic training program shall be as follows:+>>

<<+1. Attainment of the age of 16 by the first day of the program;+>>

<<+i. Minors enrolled in a basic training program shall be subject to the limitations listed in (b) below;+>>

<<+2. Possession of CPR certification. The student shall maintain CPR certification throughout the duration of the basic training program and until such time as he or she is either certified as an EMT-Basic or terminated from the basic training program. The student's CPR certification card shall be made available to Department staff upon demand; and+>>

<<+3. Physical capability to perform all required skills and tasks of an EMT-Basic student as cited in the United States Department of Transportation's EMT-Basic National Standard Curriculum.+>>

<<+(b) Minors enrolled in a basic training program shall be subject to the following conditions:+>>

<<+1. Minors shall produce signed parental consent to participate in the program;+>>

<<+2. Minors shall agree to comply with all applicable labor laws, rules and/or regulations, including, but not limited to, N.J.S.A. 34:2- 21.17;+>>

<<+3. Minors shall agree to comply with all applicable rules regarding attendance, performance and program examinations; and+>>

<<+4. Minors shall not be permitted to do the following in classes or after certification until they reach the age of TREASURY-TAXATION+>>

<<+i. Operate power-driven machinery including, but not limited to, fire apparatus, MAVs, BLS ambulances, MICUs, SCTUs and/or AMUs;+>>

<<+ii. Oil, wipe or clean any machinery in motion, inclusive of rescue tools;+>>

<<+iii. Utilize any machine that grinds, buffs, or polishes;+>>

<<+iv. Operate any hoisting equipment, inclusive of chain and cable come- a-longs;+>>

<<+v. Utilize any torch device utilized to heat, melt or cut metals, including rescue torches; or+>>

<<+vi. Operate and/or maintain any high-pressure hydraulic tool or air bag.+>>

<<+(c) No student shall be:+>>

<<+1. Exposed to injurious quantities of any toxic or noxious dust, gases, vapors and/or fumes; or+>>

<<+2. Exposed to, or allowed to participate in, direct firefighting operations.+>>

<<+(d) Minors shall receive practical skills instruction and shall be permitted to safely observe any of the skills listed in (b)4 above.+>>

<<+(e) The training agency shall ensure that the provisions of (b)4 and 5 above are strictly enforced.+>>

<< NJ ADC 8:40A-5.3 >>

<<+8:40A-5.3 Attendance+>>

<<+(a) Each student shall attend all required program sessions. Attendance shall be recorded on an official session roster. Official session roster forms are available from OEMS upon request. All session rosters shall be delivered to OEMS at least 10 calendar days prior to the NREMT-Basic Certification Examination. No student shall be credited with attendance at a session who:+>>

<<+1. Fails to attend the entire session;+>>

<<+2. Arrives more than 15 minutes late for the session;+>>

<<+3. Has been expelled from the session for disruptive behavior;+>>

<<+4. Leaves prior to the completion of the session;+>>

<<+5. Attends the session, but is unwilling to participate in the required activities and instruction for that session; or+>>

<<+6. Fails to sign the attendance sheet.+>>

<<+(b) Subject to the provisions of (c) below, any student missing a session shall make the session up within three months of the course completion date prior to becoming eligible to sit for the NREMT-Basic Certification Examination. The program coordinator shall be responsible for assisting the student with locating a suitable make-up session. The options available to a student are:+>>

<<+1. Attendance at the same session in another basic training program;+>>

<<+2. Attendance at a special session scheduled by the program coordinator which covers the lecture material and practical skills; or+>>

<<+3. Utilization of audio/visual materials in conjunction with the required practical skills session conducted by a Lead EMT-Instructor or EMT- Instructor as approved by the program coordinator.+>>

<<+(c) Any student missing three consecutive sessions shall be automatically expelled from the basic training program and shall be required to apply for, and participate in, an entirely new basic training program.+>>

<< NJ ADC 8:40A-5.4 >>

<<+8:40A-5.4 Reporting requirements+>>

<<+(a) Each training agency shall forward completed attendance verification and/or data to the OEMS BLS Coordinator. All information shall be delivered to OEMS no later than 10 business days after the completion of the program.+>>

<<+(b) Each training agency shall provide the Department with the number of students that have successfully completed the basic training program and have been endorsed to take the NREMT-Basic Certification Examination as soon as possible after the final class session.+>>

<< NJ ADC 8:40A-5.5 >>

<<+8:40A-5.5 Application to conduct a basic training program+>>

<<+(a) A certified training agency that seeks to offer a basic training program shall submit an official "Application to Conduct an EMT-Basic Program" to OEMS for approval prior to offering or conducting any basic training program. Applications shall be delivered to OEMS no later than 90 calendar days prior to the scheduled start of the program.+>>

<<+1. Incomplete and/or late applications shall be returned to the applicant and shall not be processed.+>>

<<+2. Applications for programs that do not demonstrate compliance with the requirements of this chapter shall be returned to the applicant with an explanation as to why the program is insufficient.+>>

<<+(b) Each application shall include:+>>

<<+1. The names and credentials of the instructional staff. Qualified instructional staff as utilized in this section means:+>>

<<+i. Physicians;+>>

<<+ii. Registered nurses;+>>

<<+iii. Physician assistants;+>>

<<+iv. EMT-Paramedics;+>>

<<+v. Respiratory care practitioners;+>>

<<+vi. Persons certified by the American Heart Association, the American Red Cross,

the National Safety Council or other entity determined by the Department to comply with AHA CPR/AED Guidelines, for the purpose of instructing AED utilization, who may instruct, in accordance with the program curriculum identified at N.J.A.C. 8:40A-5.8, all aspects of AED utilization. Those persons shall also have a minimum of one year of experience as a member of an organization providing pre-hospital emergency medical services;+>>

<<+vii. EMT-Instructors; and+>>

<<+viii. Persons with specialized training applicable to the topic;+>>

<<+2. The location, date and time of each program session;+>>

<<+3. The program outline, objectives and curriculum; as defined in N.J.A.C. 8:40A-5.9;+>>

<<+4. Copies of any handouts or texts to be utilized during the program;+>>

<<+5. Documentation that practical skills sessions shall have adequate EMT-Instructor coverage, in accordance with N.J.A.C. 8:40A-5.6(a)5;+>>

<<+6. A copy or description of the proposed final examination. The examination may be written, practical or both, depending on the nature of the program; and+>>

<<+7. Documentation that the program shall follow the objectives of U.S. Department of Transportation EMT-Basic National Standards Curriculum for an EMT-Basic, as defined by the program curriculum.+>>

<<+(c) Only those basic training programs offered by certified training agencies shall qualify for the purpose of reimbursement from the EMT Training Fund.+>>

<<+(d) Consistent with N.J.A.C. 8:40A-10.3(c), a training agency whose application to conduct a basic training program has been denied shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.+>>

<< NJ ADC 8:40A-5.6 >>

<<+8:40A-5.6 Instructional staff+>>

<<+(a) Each program shall be sufficiently staffed so as to provide for the instruction of students in the program materials. Sufficient staffing means;+>>

<<+1. One program director;+>>

<<+2. One program coordinator;+>>

<<+3. One program medical advisor;+>>

<<+4. One Lead EMT-Instructor; and+>>

<<+5. Enough EMT-Instructors to maintain a 1:6 EMT-Instructor to student ratio in practical skills instruction groups.+>>

<<+i. A training agency may elect to utilize one certified EMT-Instructor together with an EMT-Instructor Aide in groups with no more than 10 students during practical skills instruction sessions.+>>

<<+(b) A training agency may utilize certified EMT-Basics with at least one year of pre-hospital EMT-Basics experience and EMT-Paramedics as EMT-Instructor Aides.+>>

<< NJ ADC 8:40A-5.7 >>

<<+8:40A-5.7 Training sites+>>

<<+(a) Each training agency shall maintain a site with areas for the lecture and practical sessions. These may be, but need not be, separate areas. These areas should be such that the agency can conduct sessions that are conducive to the learning process.+>>

<<+(b) Each agency is responsible for ensuring that it is in compliance with all applicable laws, rules and/or regulations.+>>

<<+(c) A training agency may have one or more satellite training sites. However, each satellite training site is subject to the provisions of N.J.A.C. 8:40A-3.2 and must be approved, in writing, by the Department prior to utilization.+>>

<<+1. Each satellite site shall meet the requirements for the primary training site set forth in (a) and (b) above.+>>

<< NJ ADC 8:40A-5.8 >>

<<+8:40A-5.8 Program curriculum+>>

<<+(a) The Department hereby adopts and incorporates by reference the U.S.D.O.T. EMT-Basic National Standards Curriculum as the curriculum for all basic training programs conducted in New Jersey.+>>

<<+1. A person must successfully complete each of the curriculum's seven training modules, and shall not be permitted to move on to the next consecutive module until he or she has successfully passed the examination for the previous module. A person who fails a module examination shall, following remediation, be permitted to re-test. A person who fails two consecutive examinations for the same module shall be automatically expelled from the basic training program and shall be required to apply for, and participate in, an entirely new basic training program.+>>

<<+(b) No training agency shall offer a basic training program that provides instruction in material that is beyond the permitted scope of practice for an EMT-Basic, as defined in this chapter or by the U.S.D.O.T. EMT-Basic National Standards Curriculum or any applicable law, rule and/or regulation.+>>

<<+(c) Each lecture portion of a basic training program shall comply with the corresponding lesson plan listed in the program curriculum.+>>

<<+(d) Each practical skills session shall comply with the standard of care as defined in the program curriculum or any applicable law, rule and/or regulation.+>>

<<+(e) Each basic training program shall include a 10-hour clinical experience in the emergency department of an acute care hospital or another area related to pre-hospital care that has been approved by the Department.+>>

<<+1. The clinical and/or field experiences shall be limited to observation of procedures and patients, and the application of clinical skills that are taught as part of the program. The clinical experience shall occur under the direct supervision of a Field Preceptor designated by the supervisor of the emergency department staff or other area included as part of the clinical experience.+>>

<<+2. No person shall serve as a field preceptor unless that person is medically qualified to operate at least to the level of an EMT-Basic.+>>

<<+3. Students participating in the clinical experience shall not be required or allowed to perform any skill or procedure that is outside the scope of practice for an EMT-Basic, nor shall a student be allowed to replace required emergency department staff.+>>

<<+4. The program coordinator or emergency department staff may permit the student to spend up to five hours of the required clinical experience as an observer on a MICU, subject to the restrictions set forth in (e)1 and 3 above.+>>

<<+(f) The State EMT Faculty shall assist the Department in the implementation of the basic training program curriculum, and the oversight of the instructional plan.+>>

<<+(g) Training in the utilization of AEDs shall be delivered as part of the EMT-Basic and EMT-Basic Refresher Programs and shall be in accordance with the basic training program curriculum.+>>

<< NJ ADC 8:40A-5.9 >>

<<+8:40A-5.9 Goals and objectives+>>

<<+(a) Each training agency shall provide a written statement which sets forth the goals and objectives of each basic training program, and which details the specific requirements that each student must successfully complete to be endorsed to take the NREMT-Basic Certification Examination. All statements issued in accordance with this section shall conform to the program curriculum.+>>

<<+(b) These statements shall be utilized to provide the basis of program planning, implementation and evaluation, and may be developed in conjunction with a local advisory committee representing the various communities and populations that the training agency serves.+>>

<<+(c) All goals and objectives established in accordance with this section shall include assurance that students completing the program shall have met the minimum requirements as outlined in the program curriculum inclusive of all cognitive, affective

and psychomotor skills objectives approved by the Department and contained in the program curriculum.+>>

<<+SUBCHAPTER 6. NREMT-BASIC CERTIFICATION EXAMINATION+>>

<< NJ ADC 8:40A-6.1 >>

<<+8:40A-6.1 General information+>>

<<+(a) The NREMT-Basic Certification Examination is the only examination recognized for EMT-Basic certification in New Jersey.+>>

<<+(b) The NREMT-Basic Certification Examination shall be administered at least once per month.+>>

<<+(c) The NREMT-Basic Certification Examination shall be conducted in accordance with the rules contained in this chapter and all applicable NREMT policies, which can be obtained by writing to:+>>

National Registry of Emergency Medical Technicians
Rocco V. Morando Building
6610 Busch Blvd.
PO Box 29233
Columbus, Ohio 43229-0233

<<+(d) Only official NREMT representatives shall be permitted to administer the written portion of the NREMT-Basic Certification Examination. EMT- Instructors shall administer the practical "hands-on" portion of the NREMT- Basic Certification Examination.+>>

<<+(e) The Department reserves the right to limit the number of examinees at any test site.+>>

<<+(f) A person who has been found to have compromised the integrity of the NREMT-Basic Certification Examination in any way (including, but not limited to, altering the examination, theft of examination materials, copying or otherwise reproducing the examination materials and/or any other form of cheating) shall be denied entrance to, or removed from, the examination. In addition, the person shall thereafter be barred from any future examinations.+>>

<< NJ ADC 8:40A-6.2 >>

<<+8:40A-6.2 Eligibility to sit for the examination+>>

<<+(a) Once a student has completed the required basic training program, inclusive of the required clinical experience, the program coordinator shall verify that the student is eligible to take a practical skills verification examination.+>>

<<+1. The practical skills verification examination shall be administered by the program coordinator, and shall adhere to the Core 13 program standards as listed in the U.S.D.O.T. EMT-Basic National Standards Curriculum. The results of the practical skills verification examination shall be recorded on official "Practical Skills Verification" forms, and shall be retained by the program coordinator.+>>

<<+(b) Upon successful completion of the practical skills verification examination, and provided all basic training program work is complete, the program coordinator shall issue an official "EMT-Basic Training Programs: Certificate of Eligibility for the NREMT-Basic Certification Examination" and shall submit a request to OEMS that the student be scheduled to sit for the NREMT-Basic Certification Examination.+>>

<<+1. A request to schedule a person for the NREMT-Basic Certification Examination shall be made in writing, and shall be delivered by the program coordinator to OEMS at least 15 calendar days prior to the scheduled examination date. Requests delivered after the closing date shall be returned to the program coordinator with an explanation as to the person's ineligibility to sit for the examination.+>>

<<+(c) All students who enroll in a basic training program shall be given a "Request For Criminal History Record Information For A Noncriminal Justice Purpose" (SBI 212B Form) at the first class session. The SBI 212B form shall be completed and signed by the student and delivered to OEMS at least 30 calendar days prior to the NREMT-Basic Certification Examination. The form shall be accompanied by a cashiers check, certified check or money order in the required amount made payable to "The Division of State Police--SBI."+>>

<<+1. Upon delivery to OEMS, the SBI 212B form shall be submitted by OEMS to the New Jersey State Police, State Bureau of Identification for processing.+>>

<<+2. Any student found to have been convicted of any crime or offense listed in (d)1 through 3 below shall be ineligible to sit for the NREMT-Basic Certification Examination, and shall be so notified. A student that has been deemed ineligible to sit for the examination may apply to OEMS for a waiver. All waiver requests must be made in accordance with the standards set forth at N.J.A.C. 8:40A-1.4, and shall be considered in compliance with the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.+>>

<<+3. A student who fails to deliver the completed SBI 212B form to OEMS at least 30 calendar days prior to the NREMT-Basic Certification Examination shall be ineligible to sit for that examination.+>>

<<+(d) Absent the granting of a waiver, as provided for in (c)2 above, a person shall not be allowed to sit for the NREMT-Basic Certification Examination if he or she has been accepted into a Pre-trial Intervention, conditional discharge or other diversionary program or has been convicted of:+>>

<<+1. Any crime;+>>

<<+2. Any disorderly persons offense; and/or+>>

<<+3. A petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect.+>>

<< NJ ADC 8:40A-6.3 >>

<<+8:40A-6.3 Admittance to the examination+>>

<<+(a) Requirements for admission to the NREMT-Basic Certification Examination shall be as follows:+>>

<<+1. Presentation of a valid "Certificate of Eligibility to sit for the NREMT-Basic Certification Examination" form which shall include verification that:+>>

<<+i. Not more than 12 months have elapsed since the examinee successfully completed the basic training program; and+>>

<<+ii. Any out-of-State EMT-Basic or EMT-Paramedic certification(s) is/are not currently suspended or revoked;+>>

<<+2. Presentation of a photo identification card; and+>>

<<+3. Presentation of a CPR certification card.+>>

<< NJ ADC 8:40A-6.4 >>

<<+8:40A-6.4 Accommodations for persons with documented learning disabilities+>>

<<+(a) OEMS shall offer reasonable and appropriate accommodations for the written component of the NREMT-Basic Certification Examination for those persons with documented learning disabilities in reading decoding, reading comprehension and/or written expression.+>>

<<+(b) A person requesting accommodations for the written component of the NREMT-Basic Certification Examination shall deliver documentation of his or her learning disability to OEMS and the NREMT at least 30 calendar days prior to the examination.+>>

<<+1. Documentation of a learning disability shall include one of the following:+>>

<<+i. A diagnosis based upon the results of a standardized psycho- educational assessment, including an individually administered standardized measure of intelligence and an individually administered standardized measure of achievement in reading decoding, reading comprehension and/or written expression; or+>>

<<+ii. A diagnosis made by a qualified professional, according to the criteria outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV; American Psychiatric Association, 1994 incorporated herein by reference as amended and supplemented. This manual may be obtained by contacting The American Psychiatric Publishing Inc., 1000 Wilson Boulevard, Arlington, VA 22209 or through their website at www.psych.org).+>>

<<+2. All diagnosis shall have been made within five years of the date of the examination.+>>

<<+(c) A person who qualifies for accommodations shall be permitted a total of three hours and 45 minutes within which to take the written portion of the NREMT-Basic Certification Examination.+>>

<< NJ ADC 8:40A-6.5 >>

<<+8:40A-6.5 Examination results and reexaminations+>>

<<+(a) Results of the NREMT-Basic Certification Examination shall be forwarded directly to the examinee by the NREMT. OEMS shall not reveal a person's examination score to any party other than the examinee or the program coordinator.+>>

<<+(b) A person who scores 70 percent correct or greater on the NREMT-Basic Certification Examination and has met all other requirements for EMT-Basic certification as identified at N.J.A.C. 8:40A-7.2 shall be issued an EMT- Basic certification card.+>>

<<+(c) A person who scores less than 70 percent correct on the NREMT-Basic Certification Examination shall be permitted two additional opportunities to sit for the examination and to achieve a passing score. A person who scores 70 percent correct or greater on the second or third attempt, as applicable, and has met all other requirements for EMT-Basic certification as identified at N.J.A.C. 8:40A-7.2 shall be issued an EMT-Basic certification card.+>>

<<+(d) A person who has completed a basic training program and has failed the NREMT-Basic Certification Examination three times may become eligible to sit for the examination by successfully completing an approved Core 13 program and obtaining an official "EMT-Basic Retraining Program: Certificate of Eligibility," as completed by the program coordinator.+>>

<<+1. Upon compliance with the requirements set forth in (d) above, a person shall be permitted three additional opportunities to sit for the NREMT- Basic Certification Examination.+>>

<<+(e) A person who has scored less than 70 percent correct on the NREMT- Basic Certification Examination on all six examination attempts shall be required to reenroll and complete a basic training program before being allowed any additional attempts at the NREMT-Basic Certification Examination.+>>

<<+(f) All attempts of the NREMT-Basic Certification Examination shall be completed within 12 months of the scheduled end of each basic training program.+>>

<<+SUBCHAPTER 7. EMT-BASIC CERTIFICATION+>>

<< NJ ADC 8:40A-7.1 >>

<<+8:40A-7.1 General information+>>

<<+(a) No person shall act in the capacity of an EMT-Basic in any form or manner until first certified or recognized by the Department, in accordance with this standards

set forth in this chapter.+>>

<<+(b) Absent the granting of a waiver, as provided for in (c) below, no person shall be certified or recognized as an EMT-Basic if he or she has been accepted into a pre-trial intervention, conditional discharge or other diversionary program in this State or any other state or convicted of:+>>

<<+1. Any crime;+>>

<<+2. Any disorderly persons offense; and/or+>>

<<+3. A petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect.+>>

<<+(c) A person who has been convicted of any crime or offense listed in (b)1 through 3 above may, in accordance with N.J.A.C. 8:40A-1.4, request a waiver of this requirement. All requests must be made in writing, and shall be considered in compliance with the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.+>>

<<+(d) EMT-Basic certification or recertification shall not be issued until such time as the person has provided the Department with his or her full name, permanent mailing address and other information as may be required by the Department. This information shall be maintained by the Department and shall be utilized to maintain a register of all persons applying for certification.+>>

<<+(e) Expiration of all certifications shall occur on either June 30 or December 31, depending on the date of initial certification. Certifications shall be valid until 12:00 midnight of the expiration date listed on the card. No grace periods or extensions shall be granted.+>>

<<+(f) Certification cards are the property of the Department, and shall be immediately surrendered to Department staff upon demand. All certification cards shall become immediately null and void and shall be returned to the Department concurrent with the revocation or voluntary surrender of a person's EMT-Basic certification.+>>

<<+(g) One original certification card shall be furnished free of charge. All requests for replacement cards must be submitted in writing and accompanied by a certified bank check (for example, a cashier's check) or money order in the amount of \$5.00, made payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored.+>>

<<+(h) Once certified, it shall be the responsibility of the EMT-Basic to immediately notify OEMS, in writing, of:+>>

<<+1. Conviction of any crime or offense or acceptance into a pre-trial intervention, conditional discharge or other diversionary program in this or any other state listed in (b)1 through 3, above; and/or+>>

<<+2. Any change of name and/or address, and to provide appropriate documentation as may be required by the Department.+>>

<<+(i) A person shall not knowingly file any record or document that is falsified, fraudulent or untrue. The filing of such false records or documents shall be sufficient cause for the revocation, or refusal to issue or renew, an EMT-Basic certification.+>>

<< NJ ADC 8:40A-7.2 >>

<<+8:40A-7.2 Certification+>>

<<+(a) The requirements for certification as an EMT-Basic shall be as follows:+>>

<<+1. Attainment of the age of 18;+>>

<<+2. Possession of CPR certification; and+>>

<<+3. Successful completion of a basic training program (which shall include a 10-hour clinical experience) and achievement of a passing score on the NREMT-Basic Certification Examination, or granting of reciprocity by the Department in accordance with N.J.A.C. 8:40A-7.3.+>>

<<+(b) A physician, physician assistant, registered nurse or advanced practice nurse may obtain EMT-Basic certification by complying with the requirements set forth at N.J.A.C. 8:40A-7.6(a)1 and 2.+>>

<<+(c) EMT-Basic certification shall be valid for a period of not less than 36, nor more than 42, months.+>>

<<+(d) Consistent with N.J.A.C. 8:40A-10.3(b), a person denied certification as an EMT-Basic shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.+>>

<< NJ ADC 8:40A-7.3 >>

<<+8:40A-7.3 Reciprocity+>>

<<+(a) A person validly certified as an EMT-Basic by the NREMT, the State of New York or any member state of the Atlantic EMS Council (currently Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia) shall have status as an EMT-Basic. No further testing shall be required, and the EMT-Basic certification card issued by the out-of-State certifying agency shall be valid for the purpose of proof of EMT-Basic certification. This section shall not be construed to permit a person to practice beyond his or her certifying state's scope of practice.+>>

<<+1. A person validly certified as an EMT-Basic by the State of New York or any member state of the Atlantic EMS Council (currently Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia) who wishes to acquire a New Jersey EMT-Basic certification card shall be required to:+>>

<<+i. Complete an application for reciprocity;+>>

<<+ii. Successfully complete an approved Core 13 program;+>>

<<+iii. Obtain an official "EMT-Basic: Certificate of Eligibility for the NREMT-Basic

Certification Examination" form (as completed by the EMT- Instructor); and+>>

<<+iv. Sit for, and achieve a passing score on, the NREMT-Assessment Examination.+>>

<<+2. A person validly certified as an EMT-Basic by the NREMT who wishes to acquire a New Jersey EMT-Basic certification shall be required to complete the requirements delineated under (a)1i and ii above. Once the requirements of this subsection are met, a New Jersey EMT-Basic certification card that is valid for a period not less than 12, nor more than 18, months in duration shall be issued by OEMS.+>>

<<+(b) A person validly certified as an EMT-Basic in any other state or Federal jurisdiction not identified in (a) above, may apply to participate in an abbreviated certification process by completing an official "EMT-Basic Application" form, which is available from OEMS upon request.+>>

<<+1. Upon receipt of an application to participate in the abbreviated certification process, OEMS shall verify the applicant's certification with the out-of-State jurisdiction. Only those persons who are validly certified in a jurisdiction whose requirements for certification meet the minimum standards of the U.S.D.O.T. EMT-Basic National Standards Curriculum shall be eligible to proceed in the abbreviated certification process.+>>

<<+2. Once OEMS has reviewed the application and has determined that the applicant is qualified, the applicant shall be issued instructions on the abbreviated certification process. Each applicant shall successfully complete a Core 13 skills verification examination, obtain an official "EMT-Basic: Certificate of Eligibility for the NREMT-Basic Certification Examination" form (as completed by the EMT-Instructor) and sit for, and achieve a passing score on, the NREMT-Basic Certification Examination. Upon successful completion of these requirements, the person shall be issued an EMT-Basic certification card. EMT-Basic certification shall be valid for a period of not less than 36, nor more than 42, months.+>>

<<+3. The Department may refuse to allow a person to participate in the abbreviated certification process if the application is incomplete or contains false or fraudulent information, or if the applicant has been suspended or revoked in any other jurisdiction or would otherwise be ineligible for EMT- Basic certification.+>>

<< NJ ADC 8:40A-7.4 >>

<<+8:40A-7.4 Provisional status of minors+>>

<<+(a) Minors who achieve a passing score on the NREMT assessment examination shall only be issued provisional EMT-Basic status. EMT-Basic certification shall be issued upon the attainment of the age of 18, provided the person meets all of the requirements for certification set forth at N.J.A.C. 8:40A-7.2.+>>

<<+(b) Minors shall perform services only in the physical presence and under the direct supervision of an EMT-Basic, and shall not be utilized to meet the minimum personnel requirements on any licensed MAV, BLS ambulance or SCTU.+>>

<<+(c) Minors shall be subject to all of the limitations set forth at N.J.A.C. 8:40A-5.2(b).+>>

<< NJ ADC 8:40A-7.5 >>

<<+8:40A-7.5 Recertification+>>

<<+(a) The requirements for recertification as an EMT-Basic shall be as follows:+>>

<<+1. Possession of EMT-Basic and CPR certifications; and+>>

<<+2. Successful completion of an approved continuing education program, consisting of 24 core credit hours and 24 elective credit hours. The 24 core credit hours shall include two credit hours from each of the 12 core sessions identified at N.J.A.C. 8:40A-9.5(a)1i or completion of an approved Core 13 program.+>>

<<+(b) A person seeking recertification shall document successful completion of continuing education requirements as set forth in (a) above, on a form to be submitted to OEMS. These 24 continuing education hours shall be accrued over the 36-month period immediately prior to recertification.+>>

<<+(c) No person shall be recertified until documentation of all of the requirements set forth in (a) above, has been provided.+>>

<<+(d) One letter detailing the cumulative continuing education credits earned (that is, "CEU status letters") shall be mailed by OEMS approximately six months prior to the expiration of a person's EMT-Basic certification. This letter shall be mailed automatically and shall be furnished free of charge. All requests for additional CEU status letters must be submitted in writing and accompanied by a certified bank check (for example, a cashier's check) or money order in the amount of \$5.00, made payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored.+>>

<<+1. Continuing education credits shall not be carried forward from one recertification period to the next. At the beginning of the next recertification period, the continuing education balance shall be reset to zero core and zero elective credits.+>>

<<+(e) EMT-Basic recertifications shall be valid through the expiration date listed on the card, but in no event shall they be valid for more than 36 months from the date of issue.+>>

<<+(f) Consistent with N.J.A.C. 8:40A-10.3(b), a person denied recertification as an EMT-Basic shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.+>>

<< NJ ADC 8:40A-7.6 >>

<<+8:40A-7.6 Expired certifications+>>

<<+(a) The requirements for certification of a person formerly certified as an EMT-Basic who has allowed that certification to expire (that is, a person who, for whatever reason, has not completed the required number of continuing education credits necessary for recertification) shall be as follows:+>>

<<+1. Successful completion of an approved Core 13 program; and+>>

<<+2. Achievement of a passing score on the NREMT-Basic Certification Examination.+>>

<<+(b) Upon successful completion of all of the requirements set forth in (a) above, the person shall be issued an EMT-Basic certification card, which shall be valid for a period of not less than 36, nor more than 42, months.+>>

<<+SUBCHAPTER 8. EMT-INSTRUCTOR CERTIFICATION+>>

<< NJ ADC 8:40A-8.1 >>

<<+8:40A-8.1 Certification+>>

<<+(a) No person shall act in the capacity of an EMT-Instructor in any form or manner until certified by the Department to do so.+>>

<<+(b) A person seeking certification as an EMT-Instructor shall make application to the OEMS through the EMT program coordinator.+>>

<<+(c) The requirements for certification as an EMT-Instructor shall be as follows:+>>

<<+1. Attainment of the age of 21;+>>

<<+2. EMT-Basic certification for a period of at least 36 consecutive months;+>>

<<+3. At least 36 consecutive months of active experience as a practicing EMT-Basic;+>>

<<+4. Maintenance of satisfactory performance in the instruction of basic training programs as attested to, in writing, by the program coordinator of the course site with which the EMT-Instructor is affiliated;+>>

<<+5. Successful completion of the Department's Instructor Training Institute program, which shall include a passing score on both the written and practical skills examinations. The Instructor Training Institute is a program of instruction that integrates methodologies of teaching the adult learner with the specific educational objectives of the program curriculum; and+>>

<<+6. Completion of 120 hours of instruction under the direct supervision of a program coordinator and Lead EMT-Instructor. Supervised instruction shall cover all areas of the program curriculum for EMT-Basic training. No more than 60 hours may be credited prior to the completion of the Instructor Training Institute program.+>>

<<+(d) Absent the granting of a waiver, as provided for in (e) below, no person shall be certified as an EMT-Instructor if he or she has been accepted into a pre-trial intervention, conditional discharge or other diversionary program, and/or convicted of:+>>

<<+1. Any crime;+>>

<<+2. Any disorderly persons offense; and/or+>>

<<+3. A petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect.+>>

<<+(e) A person who has been convicted of any of any crime or offense listed in (d)1 through 3 above may, in accordance with N.J.A.C. 8:40A-1.4, request a waiver of this requirement. All requests must be made in writing, and shall be considered in compliance with the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.+>>

<<+(f) EMT-Instructor certification shall be valid for a period of not less than 36, nor more than 42, months. Expiration of all certifications shall occur on either June 30 or December 31, depending on the date of initial certification. Certifications shall be valid through the expiration date listed on the card. No grace periods or extensions shall be allowed.+>>

<<+1. One original certification card shall be furnished free of charge. All requests for replacement cards must be submitted in writing and accompanied by a certified bank check (for example, a cashier's check) or money order in the amount of \$5.00, made payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored.+>>

<<+2. Certification cards are the property of the Department, and shall be immediately surrendered to Department staff upon demand. All certification cards shall become immediately null and void and shall be returned to the Department concurrent with the revocation or voluntary surrender of a person's EMT-Instructor certification.+>>

<<+(g) Certification as an EMT-Instructor shall also serve as certification as an EMT-Basic for the purposes of any applicable law, rule and/or regulation.+>>

<<+(h) Consistent with N.J.A.C. 8:40A-10.3(b), an applicant denied certification as an EMT-Instructor shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.+>>

<< NJ ADC 8:40A-8.2 >>

<<+8:40A-8.2 Recertification+>>

<<+(a) The requirements for recertification as an EMT-Instructor shall be as follows:+>>

<<+1. Maintenance of satisfactory performance in the instruction of basic training programs as attested to, in writing, by the program coordinator of the course site with which the EMT-Instructor is affiliated;+>>

<<+2. Provision of active instruction in a basic training program of at least 100 hours during a period of 36 consecutive months. The EMT-Instructor may accrue up to 50 hours by serving as the EMT-Instructor of record for an approved core program; and+>>

<<+3. Accumulation of 15 elective credits over a period of 36 consecutive months, which shall not be earned in a program in which the person is serving as the EMT-Instructor.+>>

<<+i. An EMT-Instructor who is also certified as an EMT-Paramedic may satisfy the 15-credit requirement set forth in (a)3 above by maintaining EMT- Paramedic certification.+>>

<<+(b) Each program coordinator shall forward documentation to OEMS regarding the performance of the EMT-Instructor. Such documentation shall be forwarded to OEMS at least 90 calendar days prior to the expiration of the person's EMT-Instructor certification. When all required documentation has been received and is in order, the EMT-Instructor shall be recertified for a period of 36 months.+>>

<<+(c) Upon renewal, a new certification card shall be furnished free of charge. All requests for replacement cards must be submitted in writing and accompanied by a certified bank check (for example, a cashier's check) or money order in the amount of \$5.00, made payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored.+>>

<<+(d) Consistent with N.J.A.C. 8:40A-10.3(b), an applicant denied recertification as an EMT-Instructor shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.+>>

<< NJ ADC 8:40A-8.3 >>

<<+8:40A-8.3 Expired certifications+>>

<<+(a) The requirements for certification of a person formerly certified as an EMT-Instructor whose certification has been expired for 36 months or less shall be as follows:+>>

<<+1. Possession of EMT-Basic certification;+>>

<<+2. Service as an EMT-Instructor Aide for at least 50 hours in a basic training program under the direct supervision of the program coordinator and Lead EMT-Instructor;+>>

<<+3. Accumulation of 15 elective continuing education credit hours; and+>>

<<+4. Endorsement of the program coordinator.+>>

<<+(b) A person formerly certified as an EMT-Instructor whose certification has been expired for more than 36 months shall, in addition to the requirements set forth in (a) above, be required to successfully complete the Department's Instructor Training Institute program.+>>

<<+SUBCHAPTER 9. CONTINUING EDUCATION PROGRAMS+>>

<< NJ ADC 8:40A-9.1 >>

<<+8:40A-9.1 Student qualifications+>>

<<+(a) The requirements for enrollment in, and to receive credit for, a continuing education session shall be as follows:+>>

<<+1. Attainment of the age of 16;+>>

<<+2. Possession of EMT-Basic and CPR certifications;+>>

<<+i. A person whose EMT-Basic certification is suspended shall not be permitted to enroll in a continuing education session; and+>>

<<+3. Physical capability to perform all required skills and tasks of an EMT-Basic student as cited in the United States Department of Transportation's EMT-Basic National Standard Curriculum.+>>

<< NJ ADC 8:40A-9.2 >>

<<+8:40A-9.2 Student attendance requirements+>>

<<+(a) Each student shall attend all required program sessions. Attendance shall be recorded on an official session roster. Official session roster forms are available from OEMS upon request. All session rosters shall be sent to OEMS within 30 calendar days from the date of program completion. No student shall be credited with attendance at a session who:+>>

<<+1. Fails to attend the entire session;+>>

<<+2. Arrives more than 15 minutes late for the session;+>>

<<+3. Has been expelled from the session for disruptive behavior;+>>

<<+4. Leaves prior to the completion of the session;+>>

<<+5. Attends the session, but is unwilling to participate in the required activities and instruction for that session; or+>>

<<+6. Fails to sign the attendance sheet.+>>

<< NJ ADC 8:40A-9.3 >>

<<+8:40A-9.3 Application to offer a continuing education session+>>

<<+(a) A training agency that seeks to offer a continuing education session shall submit an official "Application for Approval of a Continuing Education Course" to OEMS for approval prior to offering or conducting any continuing education session. Applications shall be delivered to OEMS no later than 30 calendar days prior to the scheduled start of the session.+>>

<<+1. Incomplete and/or late applications shall be returned to the applicant and shall not be processed.+>>

<<+2. Applications for programs that do not demonstrate compliance with the requirements of this chapter shall be returned to the applicant with an explanation as to why the program is insufficient.+>>

<<+(b) Each application shall include:+>>

<<+1. The names and credentials of the instructional staff. Qualified instructional staff as utilized in this section means:+>>

<<+i. Physicians;+>>

<<+ii. Registered nurses;+>>

<<+iii. Physician assistants;+>>

<<+iv. EMT-Paramedics;+>>

<<+v. Respiratory care practitioners;+>>

<<+vi. Persons certified by the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR/AED Guidelines, for the purpose of instructing AED utilization, who may instruct, in accordance with the program curriculum identified at N.J.A.C. 8:40A-5.8, all aspects of AED utilization. These persons shall also have a minimum of one year of experience as a member of an organization providing pre-hospital emergency medical services;+>>

<<+vii. EMT-Instructors; and+>>

<<+viii. Persons with specialized training applicable to the topic;+>>

<<+2. The location, date and time of each program session;+>>

<<+3. The program outline, objectives and curriculum;+>>

<<+4. Copies of any handouts or texts to be utilized during the program;+>>

<<+5. Documentation that practical skills sessions shall have an EMT- Instructor to student ratio of 1:6, or a ratio of 1:10 if the EMT-Instructor is assisted by an EMT-Instructor Aide;+>>

<<+6. A copy or description of the proposed final examination. The examination may be written, practical or both, depending on the nature of the program; and+>>

<<+7. Documentation that the program shall fall within the scope of practice for an EMT-Basic, as defined by the program curriculum.+>>

<<+(c) A training agency shall still be required to submit an application for a continuing education session even if the agency has previously offered the class with OEMS approval. The application form shall specify the date, times and location of the session, and shall identify all program instructors. The application shall also include the previous approval number for the program. If the program is proprietary, documentation that the applicant is authorized to conduct the program shall be submitted. No additional information shall be required.+>>

<<+1. A list of pre-approved programs is available from OEMS upon request. Training agencies seeking to offer pre-approved programs need only file an application with OEMS.+>>

<<+(d) Only those continuing education sessions issued an approval number by the Department shall qualify as a "training agency" for the purpose of reimbursement from the EMT Training Fund.+>>

<<+(e) Consistent with N.J.A.C. 8:40A-10.3(c), a training agency whose application to conduct a continuing education session has been denied shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.+>>

<< NJ ADC 8:40A-9.4 >>

<<+8:40A-9.4 Instructional staff+>>

<<+(a) Each continuing education session shall be sufficiently staffed so as to provide for the instruction of students in the program materials.+>>

<<+(b) Program instructors for elective sessions shall demonstrate by experience and education that they possess a superior knowledge of the subject matter to be taught. This may be demonstrated by certification from another state or jurisdiction, certification from a nationally recognized organization, and by submission of a curriculum vitae that outlines the Program Instructor's education and experience relative to the subject matter.+>>

<< NJ ADC 8:40A-9.5 >>

<<+8:40A-9.5 Program curriculum+>>

<<+(a) There shall be two categories of continuing education, consisting of core curriculum and elective curriculum.+>>

<<+1. Core requirements are as follows:+>>

<<+i. The core portion of a continuing education program shall consist of the 12 individual sessions based upon the U.S.D.O.T. EMT-Basic National Standards Refresher Curriculum (that is, Core 1 through Core 12). Satisfactory completion of an approved continuing education program shall require completion of each of those 12 core sessions.+>>

<<+ii. Core lecture sessions may be conducted by an EMT-Paramedic, physician, nurse, etc., under the direction of an EMT-Instructor. However, the EMT-Instructor shall be responsible for endorsing and submitting all appropriate documentation as required by OEMS, as well as supervising the content and curriculum of each Core 1 through Core 12 session.+>>

<<+iii. The Core 12 session shall be conducted with an EMT-Instructor at each station, with an EMT-Instructor to student ratio of 1:6.+>>

<<+iv. Core 1 through Core 12 sessions shall not be duplicated or substituted.+>>

<<+v. An alternative to completion of each of the individual Core 1 to Core 12 sessions shall be completion of an approved Core 13 program, which covers the entire U.S.D.O.T. EMT-Basic National Standards Refresher Curriculum as part of a single, comprehensive program.+>>

<<+2. Elective requirements are as follows:+>>

<<+i. The elective portion of a continuing education program shall consist of training and instruction that serve to expand upon the areas that have been identified as part of the responsibilities of the EMT-Basic. These programs may include, but are not limited to, programs that expand upon the program curriculum within the scope of practice of an EMT-Basic, provide information on topics which are reflected in the roles, responsibilities and duties of the EMT-Basic, and other programs that reflect areas that have been identified by the Department as appropriate for EMT-Basics.+>>

<<+ii. No elective session shall be substituted for any required core session, nor shall core credit be granted for programs that are approved as elective sessions.+>>

<<+(b) Programs that meet the requirements of this chapter shall be issued an approval number and awarded a specific number of credits. The award of credits shall be as follows:+>>

<<+1. Each individual core session--2.0 credits;+>>

<<+2. Complete Core 13 program--24.0 credits; and+>>

<<+3. Elective sessions--1.0 credit per hour of relevant lecture, and 0.5 credit per hour of relevant practical skills sessions.+>>

<<+(c) Under no circumstances shall a session last longer than eight consecutive hours during any 24-hour period.+>>

<< NJ ADC 8:40A-9.6 >>

<<+8:40A-9.6 Reporting requirements+>>

<<+(a) Each training agency shall provide the Department with the number of enrolled students no later than 30 calendar days after the completion of the program.+>>

<<+(b) Each training agency shall forward completed sign in sheets and attendance verification and/or data to the OEMS Continuing Education Coordinator. All information shall be delivered to OEMS within 30 calendar days after the completion of the program.+>>

<<+SUBCHAPTER 10. SCOPE OF PRACTICE, ENFORCEMENT ACTIONS AND HEARINGS+>>

<< NJ ADC 8:40A-10.1 >>

<<+8:40A-10.1 Scope of practice+>>

<<+(a) EMTs-Basic shall operate within their approved scope of practice.+>>

<<+(b) The following skills and procedures are within the approved scope of practice for an EMT-Basic:+>>

<<+1. Patient assessment, including vital signs and ongoing evaluation;+>>

<<+2. Pulmonary or cardiopulmonary resuscitation and foreign body airway obstruction management;+>>

<<+3. Oxygen administration;+>>

<<+4. Oropharyngeal or nasopharyngeal airway insertion;+>>

<<+5. Oropharyngeal and nasopharyngeal suctioning;+>>

<<+6. Assessment and management of cardiac, respiratory, diabetic shock, behavioral and heat/cold emergencies, as prescribed within the National Standard Curriculum for EMT-Basics;+>>

<<+7. Emergency treatment for bleeding, burns, poisoning, seizures, soft tissue injuries, chest-abdominal-pelvic injuries, muscle and bone injuries, eye injuries and childbirth (including care of the newborn), as prescribed within the National Standard

Curriculum for EMTs-Basic;+>>

<<+8. Application of spinal immobilization devices and splinting materials, including traction splints;+>>

<<+9. Basic triage and basic maneuvers to gain access to the patient;+>>

<<+10. Patient lifting and moving techniques;+>>

<<+11. AED utilization;+>>

<<+12. Assisting an EMT-Paramedic, registered nurse or physician; and+>>

<<+13. Assisting a patient to administer drugs previously prescribed for that patient, limited to:+>>

<<+i. Prescribed metered dose inhaler;+>>

<<+ii. Sublingual nitroglycerin;+>>

<<+iii. Epinephrine auto injector.+>>

<< NJ ADC 8:40A-10.2 >>

<<+8:40A-10.2 Enforcement actions+>>

<<+(a) The Commissioner, or his or her designee, may summarily suspend a person's EMT-Basic and/or EMT-Instructor certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare.+>>

<<+1. A person whose EMT-Basic and/or EMT-Instructor certification has been summarily suspended shall have the right to apply for emergency relief, as provided for at N.J.A.C. 8:40A-10.3(a).+>>

<<+(b) The Commissioner, or his or her designee, may issue a formal written warning, impose a monetary penalty, place on probation, suspend, revoke and/or refuse to issue or renew the certification of any EMT-Basic or EMT-Instructor for violation of any of the rules set forth in this chapter. This shall include, but is not limited to:+>>

<<+1. Demonstrated incompetence or inability to provide adequate services;+>>

<<+2. Deceptive or fraudulent procurement of certification or recertification credentials and/or documentation;+>>

<<+3. Negligent practice;+>>

<<+4. Acting beyond the approved scope of practice of an EMT-Basic;+>>

<<+5. Abuse or abandonment of a patient;+>>

<<+6. Rendering of services while under the influence of any substance that substantially compromises a person's decision-making abilities (including, but not limited to, alcohol or narcotics);+>>

<<+7. Operation of any emergency medical services vehicle (including, but not limited to, an MAV, BLS ambulance or SCTU) in a reckless or grossly negligent manner or while under the influence of any substance that substantially compromises a person's decision-making abilities (including, but not limited to, alcohol or narcotics);+>>

<<+8. Unauthorized disclosure of medical or other confidential patient information;+>>

<<+9. Willful preparation or filing of false medical reports, or the inducement of others to do so;+>>

<<+10. Destruction of medical records, including but not limited to, patient care reports or other records or reports required by the Department;+>>

<<+11. Refusal to respond to a call or to render medical services while on duty because of a patient's race, sex, creed, national origin, sexual preference, age, disability, medical condition or ability to pay;+>>

<<+12. Conviction of any crime;+>>

<<+13. Conviction of any disorderly persons offense;+>>

<<+14. Conviction of a petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect;+>>

<<+15. Entry into a pre-trial intervention, conditional discharge, or other diversionary program;+>>

<<+16. Misuse, misappropriation or theft of any drug, medication or equipment;+>>

<<+17. Willful obstruction of any investigation and/or representative of the Department or other agency empowered to enforce the provisions of this chapter or any applicable law, rule and/or regulation;+>>

<<+18. Failure to comply with any of the patient reporting requirements of this chapter;+>>

<<+19. Suspension or revocation of EMT-Basic or EMT-Paramedic certification, or any similar or advanced medical certification or license issued by the State of New Jersey or any other state, agency, authority or governmental entity;+>>

<<+20. Making verbal and/or physical threats against any person while acting in the capacity of an EMT-Basic;+>>

<<+21. Failure to provide appropriate BLS care and/or to recognize the need for and to provide for ALS intervention;+>>

<<+22. Making material misrepresentations or providing false information on the NREMT-Basic Certification Examination and/or an application for EMT-Basic, EMT-Instructor or EMT-Paramedic certification or recertification;+>>

<<+23. Failure to complete continuing education and performance standards as required by this chapter;+>>

<<+24. Failure to comply with any part of this chapter, any applicable part of N.J.A.C. 8:40 or N.J.A.C. 8:41, or any applicable law, rule and/or regulation; and/or+>>

<<+25. Any other action deemed by the Department to pose a threat to the public health, safety or welfare.+>>

<<+(c) No person shall serve in the capacity of an EMT-Basic on any MAV, BLS ambulance or SCTU once his or her EMT-Basic certification has been revoked. No person shall be enrolled in a basic training program once his or her EMT-Basic certification has been revoked.+>>

<<+(d) No person shall serve in the capacity of an EMT-Basic on any MAV, BLS ambulance, MICU, SCTU or AMU while his or her certification is suspended. The suspension shall last for a specified period, and may be followed by a probationary period.+>>

<<+(e) An EMT-Basic who has been placed on probation may be monitored for performance by the Department.+>>

<<+1. A person who has been placed on probation shall operate only when under the direct supervision of an EMT-Basic or EMT-Paramedic. Under no circumstances may a person who has been placed on probation act independently or in conjunction with, or on the same MAV, BLS ambulance or SCTU as, another probationary EMT-Basic.+>>

<<+2. The Department shall have the right to restrict or otherwise limit the scope of practice of the probationer. Failure to meet such conditions or any terms of probation shall be cause for revocation of certification and/or other such action the Department deems appropriate.+>>

<<+(f) Monetary penalties may be imposed in the amount of \$200.00 per calendar day, per infraction.+>>

<<+1. Violations shall be considered as a single, different occurrence for each calendar day the violation occurs or remains uncorrected.+>>

<<+2. Subsequent violations of the same type may be subject to a penalty of \$500.00 per calendar day, per infraction.+>>

<<+3. In the event that a person is in arrears of any monetary penalty greater than 60 calendar days, the Department may:+>>

<<+i. Refuse to issue any certification or renewal;+>>

<<+ii. Refer the delinquent account to the Office of the Attorney General for collection; and/or+>>

<<+iii. Take such other action as authorized by law, rule and/or regulation.+>>

<<+(g) The Department shall notify all mobility assistance vehicle services, basic life support ambulance services and specialty care transport services that employ, or are thought to employ, any EMT-Basic against whom an enforcement action is being taken.+>>

<<+(h) No person shall have any action taken against his or her EMT-Basic or EMT-Instructor certification, excluding an emergent situation as described in (a) above, unless that person has first been afforded an opportunity for a hearing in accordance with N.J.A.C. 8:40A-10.3(a).+>>

<<+(i) Any actions taken under this section shall be separate from any civil, criminal or other judicial proceeding, including actions against licenses of health care professionals issued by other departments or boards. All matters of professional misconduct shall be referred to the appropriate licensing boards, and all matters of a criminal nature shall be forwarded to the appropriate authorities for disposition. Action taken against an EMT-Basic does not preclude any action that may be taken against a mobility assistance vehicle service, basic life support ambulance service or specialty care transport service for the same infraction.+>>

<< NJ ADC 8:40A-10.3 >>

<<+8:40A-10.3 Hearings+>>

<<+(a) A person whose EMT-Basic and/or EMT-Instructor certification has been summarily suspended shall, consistent with N.J.A.C. 1:1-12.6, have the right to apply to the Commissioner for emergency relief.+>>

<<+1. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to the charges contained in the "Notice of Summary Suspension." Failure to submit such written notice shall result in the person forfeiting all rights to emergency relief.+>>

<<+2. All applications for emergency relief will be handled in accordance with N.J.A.C. 1:1-12.6(c).+>>

<<+3. Unless emergency relief is granted, the summary suspension shall remain in effect until such time as Department staff has conducted a full investigation into the circumstances that formed the basis for the summary suspension. Nothing herein shall be construed to prevent the Commissioner from simultaneously or thereafter moving to suspend or revoke the person's certification, issuing a formal written warning, imposing a probationary period and/or imposing a monetary penalty.+>>

<<+(b) If the Department proposes to issue a formal written warning, assess a monetary penalty, impose a probationary period and/or to suspend, revoke or refuse to issue or renew an EMT-Basic or EMT-Instructor certification, the person affected shall be afforded an opportunity for hearing to contest the proposed action.+>>

<<+1. All warnings, monetary assessments, probationary periods, suspensions (excluding summary suspensions) and revocations shall become effective 30 calendar days after mailing of a notice of the proposed action unless the person affected, within such 30-day period, gives written notice to the Department of his or her desire for a hearing. Failure to submit such written notice shall result in the person forfeiting all rights to such a hearing.+>>

<<+i. Upon the filing of such written notice, the warning, assessment, probationary period, suspension (excluding summary suspensions) or revocation shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.+>>

<<+2. Refusals to issue or renew an EMT-Basic or EMT-Instructor certification shall become effective immediately. In the event that a person desires to contest the Department's refusal to issue or renew a certification, the person shall give written notice to the Department within the 30-day period immediately following that refusal of its desire for a hearing. Failure to submit such written notice shall result in the person forfeiting all rights to such a hearing.+>>

<<+i. In the event that a person requests a hearing, the certification shall not be issued or shall remain invalid, as applicable, until such time as the hearing has been concluded and a final decision has been rendered.+>>

<<+(c) An applicant denied certification as a training agency, a training agency whose application for program/session approval has been denied or a training agency whose certification the Department proposes to suspend or revoke shall be afforded an opportunity for hearing at the New Jersey Office of Administrative Law to contest the action.+>>

<<+1. All suspensions and revocations shall become effective 30 calendar days after mailing of a notice of the proposed suspension or revocation unless the training agency, within such 30-day period, gives written notice to the Department of its desire for a hearing. Failure to submit such written notice shall result in the training agency forfeiting all rights to such a hearing.+>>

<<+i. In the event that a hearing is requested, the suspension (excluding summary suspensions) or revocation shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.+>>

<<+2. Denial of training agency certification and denial of program/session approval shall become effective immediately.+>>

<<+(d) The procedures governing all hearings shall be conducted in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1.+>>

<<+(e) All enforcement shall be considered public information and shall be posted on the OEMS website (www.state.nj.us/health/ems) as a public notice.+>>

<<+1. Formal written warnings, monetary penalties, proposed probationary periods, proposed suspensions and proposed revocations shall be posted 10 days after they are issued. Summary suspensions shall be posted 10 days after they are issued. In those instances where a hearing has been requested, the enforcement action shall not be posted to the OEMS website until such time as the hearing has been concluded and a final decision has been rendered.+>>

<<+2. Once posted, enforcement actions shall remain on the OEMS website as follows:+>>

<<+i. Monetary penalties: One year from the date on which the notice is posted;+>>

<<+ii. Suspensions (summary and non-summary): One year from the date on which the notice is posted or for the duration of the suspension, whichever is greater; and+>>

<<+iii. Revocations: Permanently.+>>

<< NJ ADC 8:40A-10.4 >>

<<+8:40A-10.4 Penalty for impersonating an EMT-Basic or EMT-Instructor+>>

<<+(a) Consistent with N.J.A.C. 8:40A-7.1(a) and 8.1(a), no person shall impersonate, refer to himself or herself as, act in the capacity of or perform the duties of, an EMT-Basic or EMT-Instructor unless he or she is certified or recognized by the Department in accordance with the standards set forth in this chapter.+>>

<<+1. Upon notice or discovery that a person is impersonating, referring to himself or herself as, or acting in the capacity of an EMT-Basic without having first obtained the required EMT-Basic or EMT-Instructor certification or recognition or after revocation of an EMT-Basic or EMT-Instructor certification previously issued by the Department, the Commissioner or his or her designee may issue an order directing that person to immediately cease and desist.+>>

<<+i. Failure to comply with an order to cease and desist may result in an action by the Department for injunctive relief in the Superior Court of New Jersey.+>>

<<+ii. The order to cease and desist shall constitute a final agency decision. As such, pursuant to New Jersey Court Rule 2:2-3, any appeal from the Commissioner's order to cease and desist shall be filed with the Superior Court of New Jersey, Appellate Division.+>>

<<+iii. Orders to cease and desist shall be considered public information and shall be posted on the OEMS website (www.state.nj.us/health/ems) as a public notice. Orders to cease and desist shall remain posted on the OEMS website permanently or until such time as EMT-Basic or EMT-Instructor certification is issued or recognized by the Department.+>>

<<+2. In addition to the issuance of an order to cease and desist, the Commissioner or his or her designee may:+>>

<<+i. Impose a monetary penalty in the amount of \$200.00 per calendar day for each day that a person is found to have impersonated, referred to him or herself as, or acted in the capacity of, an EMT-Basic or EMT-Instructor;+>>

<<+ii. Refuse to issue or renew any subsequent EMT-Basic and/or EMT- Instructor certifications; and/or+>>

<<+iii. Impose additional training requirements and/or place additional conditions or restrictions on any subsequent EMT-Basic or EMT-Instructor certification.+>>

35 N.J.R. 2043(a)

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